Title 10

HEALTH AND SAFETY*

Chapters:

***Editor's Note:** For provisions on the health department, see Chapter 2.36 of this code.

Division I. General Regulations

Chapter 10.04
VITAL STATISTICS

Sections:

10.04.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Board of health" means the metropolitan board of health established by Section 10.101 of the Metropolitan Charter.

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Dead body" means a lifeless human body, or such severed parts of the human body, or the bones thereof, from the state of which it may reasonably be concluded that the death had recently occurred, and where the circumstances under which such dead body was found indicated that the death has not been recorded.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities.

"Director of health" means the chief medical director of health of the board of health or his designated representative.

"Live birth" means a birth in which the child shows evidence of life after complete birth, that is, when the child is entirely outside of the mother, even if the cord is uncut and placenta still attached. The words "evidence of life" include heart action, breathing or a coordinated movement of a voluntary muscle.

"Midwife" means any person other than a physician who shall attend the birth or stillbirth of a child.

"Person in charge of interment" means any person who places or causes to be placed a deceased person, stillborn child or dead body or, after cremation, the ashes thereof, in the earth, a grave, tomb, vault, urn or other receptacle, either in a cemetery or at any other place, or disposes otherwise thereof.

"Physician" means a person authorized by law to practice a healing art in the state.

"Stillbirth" means a birth after twenty weeks of gestation which is not a live birth. (Prior code §§ 20-1-1 (part), 20-1-218)

10.04.020 Certificate of birth—Filing required.

A certificate of every birth occurring within the metropolitan government area, signed by the attendants at delivery, shall be filed with the board of health within ten days after the birth has occurred. Such certificate shall be filed by either the physician, osteopath or midwife in attendance at the birth, or, if not so attended, by one of the parents. (Prior code § 20-1-219)

10.04.030 Certificate of death or stillbirth—Filing required.

A certificate of every death or stillbirth occurring within the metropolitan government area shall be filed by the attendant at death, the funeral director or the person in charge of interment, with the board of health within seventy-two hours after the death or stillbirth occurred, or within seventy-two hours after the finding of a dead body, but in every instance prior to transportation or removal from the metropolitan government area. (Prior code § 20-1-220)

10.04.040 Certificates deemed in compliance when.

A. The furnishing and reporting of statistics and data concerning births, stillbirths and deaths to the local registrar of vital statistics, as appointed by the commissioner of public health of the state, shall be deemed a compliance with Sections 10.04.020 and 10.04.030 so long as the local registrar of vital statistics so appointed by the state commissioner of public health is an employee of the metropolitan board of health.

B. Should the local registrar of vital statistics, as appointed by the state commissioner of public health, be a person other than an employee of the metropolitan board of health, then such certificates of births, still births and deaths required by Sections 10.04.020 and 10.04.030 shall be furnished to and filed with the metropolitan board of health. (Prior code § 20-1-224)

10.04.050 Board of health—Authority.

There is imposed upon the board of health the authority and power to adopt and promulgate such rules and regulations which it deems necessary to carry out the provisions of this chapter. The board of health is further empowered to promulgate rules and regulations governing the collection, compilation, tabulation and reporting of vital statistics which may include, but shall not be limited to, the providing of forms to be used in reporting such statistics to the board of health and to provide forms whereby a person may make application for a certified copy of such statistics. (Prior code § 20-1-221)

10.04.060 Certified copies of statistics—Provided when.

A. The board of health is authorized to furnish to any person, upon application therefor, a certified copy of any statistic on file with the board of health, and the director of health is authorized to certify on behalf of the board of health that the copy of such statistic is a true and exact copy of the statistic on file with the board of health of the metropolitan government.

B. If the director of health is not satisfied that a person making application for a certified copy of any statistic has a legal or other vital interest in the statistic, he may refuse to issue a certified copy of the statistic until satisfactory evidence has been furnished to the director of health that the applicant has a legal or other vital interest in such statistic. Any person aggrieved by the findings and determinations of the director of health may appeal the actions of the director of health to the board of health, and the board of health may affirm, modify and affirm, as modified, or overrule the actions of the director of health. (Prior code § 20-1-222)

10.04.070 Certified copies of statistics—Fees—Disposition of funds.

A. All applications to the board of health for a copy of a statistic shall be accompanied by a fee of two dollars for each copy of a statistic which is requested, and no application will be considered that is not accompanied by the fee as established herein.

B. The director of health shall account for all money and fees collected by the board of health as authorized herein and shall deposit such money regularly in the general fund as other money received by the metropolitan government is deposited. All fees and money collected by the director of health as authorized herein shall be used for the purpose of supplementing the budget of the board of health. (Prior code § 20-1-223)

10.04.080 Chapter provisions supplementary to state law.

This chapter, or any of the provisions hereof, shall not be construed so as to conflict with Chapter 4, Title 53, of the Tennessee Code Annotated, entitled "Vital Statistics," but is intended to be complementary of and supplemental to Tennessee Code Annotated, Sections 53-401, et seq. (Ord. 90-1339 § 1 (20-8), 1990; prior code § 20-1-225)

Chapter 10.08
DRY WAREHOUSES FOR STORAGE OF FOOD

Sections:

10.08.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. "Dry warehouse" means any place in which food is stored for hire, other than a refrigerated warehouse. (Prior code §§ 20-1-1 (part), 20-1-132 (part))

10.08.020 Permit required.

No person shall maintain or operate a dry warehouse without a permit issued by the chief medical director. (Prior code § 20-1-132 (part))

10.08.030 Records.

A. The owner or person in charge of a dry warehouse shall maintain written records of the following information:

1. The kind of food stored, its quantity in weight or count;
2. The date of receipt and the name and address of the person for whom stored;
3. The date of release and the name and address of the person to whom released.

B. The records shall be retained for a period of one year from the date of release. (Prior code § 20-1-134)

10.08.040 Disposition of food unfit for human consumption.

Food in a dry warehouse, which has become apparently unfit for human consumption, shall be kept separate and apart from wholesome food. The owner or person in charge of the dry warehouse shall notify the department of health and the owner of the affected food of the presence of such food. If the food is found unfit, it shall be denatured, marked "Condemned," and removed either upon the order of its owner or of the department of health. (Prior code § 20-1-133)

Chapter 10.12
MINERAL, SPRING AND OTHER DRINKING WATER

Sections:

10.12.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. (Prior code § 20-1-1 (part))

10.12.020 Information statement required.

Every person who imports, manufactures or sells at wholesale any artificial or natural mineral spring or other water for drinking purposes shall file a statement with the department of health, setting forth the name of such water, the exact location from where it is obtained, its chemical analysis and the result of bacteriological examination, and in case of manufacture, the substances or elements entering into its composition. (Prior code § 20-1-140 (part))

10.12.030 Carbonated water preparation.

When carbonated water is prepared at the place where dispersed to the consumer, the potable water used shall be conducted from the public water supply system through closed pipes connected with the carbonating apparatus or carbonic acid gas tank from which it is dispensed to the consumer. (Prior code § 20-1-140 (part))

Chapter 10.16
DISEASE CONTROL

Sections:

10.16.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. (Prior code § 20-1-1 (part))

10.16.020 Classification of diseases—Notification of authorities.

A. The following diseases are declared to be contagious, infectious, communicable and dangerous to the public health. All physicians knowing or suspecting cases of these diseases and other persons knowing of cases or suspects of these diseases shall notify the chief medical director in accordance with the provisions of this chapter and Chapter 2.36:

Class I

Anthrax	Psittacosis
Botulism	Rabies in man
Brucellosis	Relapsing fever
Cholera	Salmonellosis
Dengue	Typhoid fever
Diphtheria	Other forms
Encephalitis, infectious	Shigellosis
Hepatitis, infectious	Smallpox
Leprosy	Typhus fever
Leptospirosis	Epidemic
Malaria	Endemic
Plague	Yellow fever
Poliomyelitis	
Paralytic	
Nonparalytic	

Class II

Amebiasis	Rocky Mountain spotted fever
Glanders	Tetanus
Hepatitis, serum	Trichinosis
Meningococcal infections	Tuberculosis, all forms
Rheumatic fever	Tularemia

Class II

Influenza	Streptococcal infections, including scarlet fever
Measles	Whooping cough

Class IV

Gonorrhea	Syphilis
	Primary
	Secondary
	Early latent
	Other forms

B. All physicians and other persons knowing of or suspecting a case of any of these diseases shall notify the chief medical director or the department of health in accordance with the provisions of the statutes and regulations governing the control of communicable diseases in Tennessee. (Prior code § 20-1-19)

10.16.030 Notification of authorities—By physicians.

Whenever any physician examines or treats any person known or suspected by him to be affected with any of the diseases declared to be notifiable by this chapter, he shall give notice of such disease as follows:

A. For diseases listed in Class I, notification shall be made as soon as possible, and within twelve hours by telephone, in person or by writing to the chief medical director or department of health, giving the name, age, sex, race and address of the patient and the name of the known or suspected disease;

B. For all of the diseases listed in Classes I and II, notification shall be made each week to the chief medical director or department of health of all cases or suspected cases of the disease which have come under his care or observation during the preceding week, such reports to be made on forms supplied by the state department of health for that purpose, and giving the name, age, sex, race and address of the patient and the name of the known or suspected disease;

C. For the diseases listed in Class III, notification shall be made each week to the chief medical director or department of health of the number of such cases which have come under his care or observation during the preceding week, such reports to be made on forms supplied by the state department of public health for that purpose;

D. For the diseases listed in Class IV, every physician or other person who makes a diagnosis of or treats or prescribes for a person with any of these diseases, and every superintendent or manager of a clinic, dispensary or charitable or penal institution in which there is a case of such disease, shall make a confidential report of such case immediately in writing to the chief medical director or department of health on a form supplied by the state department of public health, stating the name, address, age, sex, race and stage of the disease, as prescribed in Section 68-10-101, Tennessee Code Annotated. When a

person with an infectious case fails or refuses to take treatment, the case shall be reported to the chief medical director or department of health by special report. (Ord. 90-1339 § 1 (20-1), 1990; prior code § 20-1-20)

10.16.040 Notification of authorities—By persons other than physicians.

It shall be the duty of the following named persons to notify immediately the department of health of the existence of any known or suspected communicable disease as specified in this chapter:

A. Superintendents of Hospitals. Section 10.16.020 is made applicable to superintendents of hospitals in reference to the reporting of notifiable diseases. Superintendents of hospitals shall be equally responsible for the report of these diseases as the attending physician.

B. Principals and Teachers. Principals and teachers of public and private schools shall report all known or suspected cases of diphtheria, encephalitis, infectious hepatitis, measles, meningococcal infections, poliomyelitis, psittacosis, salmonellosis (including typhoid fever), shigellosis, smallpox, streptococcal infections, typhus fever or whooping cough in children attending such schools.

C. Summer Camps. The owner or manager of any summer camp shall report immediately any case or suspected case of communicable disease occurring among campers.

D. Institutions and Jails. The managing officers of all public and private institutions and jails shall report all cases of suspected cases of diphtheria, encephalitis, gonorrhea, infectious hepatitis, meningococcal infections, poliomyelitis, psittacosis, salmonellosis (including typhoid fever), shigellosis, smallpox, syphilis or typhus fever at such institutions.

E. Dairies, Dairy Farms, Milk Plants and Food Establishments. Owners or managers of any dairy farm, dairy, milk plant or food establishment shall report all cases or suspected cases of diphtheria, infectious hepatitis, poliomyelitis, salmonellosis (including typhoid fever), shigellosis or streptococcal infections among their employees.

F. Parents, Guardians and Heads of Households. Parents, guardians and heads of households shall report any cases or suspected cases of diseases declared notifiable by Section 10.16.020 occurring in their households.

G. Midwives. Midwives shall report within six hours any cases of inflamed eyes in babies whom they have attended. (Prior code § 20-1-21)

10.16.050 Notification of heads of households by physicians.

It shall be the duty of any attending physician, immediately upon discovering a case or suspected case of communicable disease, to inform the head of household of this fact, to instruct the head of household of such isolation of the patient and concurrent disinfection as may be necessary to prevent spread of the infection. It shall be the duty of persons so informed to comply with such instructions, unless otherwise instructed by the chief medical director or his authorized agent; provided, that this section shall not be construed to mean that any physician not duly authorized by the chief medical director has authority to establish quarantine or isolation or remove established quarantine or isolation restrictions for those diseases for which official quarantine or isolation is required by this chapter. (Prior code § 20-1-24)

10.16.060 Reporting outbreaks of gastroenteritis and dysentery.

Every physician, nurse, superintendent or other person in charge of any school, hospital, institution, labor camp or other camp who shall have knowledge of the occurrence of a number or group of cases of gastroenteritis, dysentery or other disease in which diarrhea is a prominent symptom shall report the same immediately by telephone to the chief medical director or department of health. (Prior code § 20-1-22)

10.16.070 Notification of authorities—By private diagnostic laboratories.

It shall be the duty of the director of each diagnostic laboratory in the metropolitan government area to notify the chief medical director or department of health of persons upon whom a positive specimen has been found for the following diseases by forwarding to the chief medical director or department of health, within twenty-four hours, a copy of the report made to the attending physician: anthrax, brucellosis, cholera, diphtheria, encephalitis, leprosy, leptospirosis, malaria, poliomyelitis, psittacosis, Rocky Mountain spotted fever, salmonellosis (including typhoid fever), shigellosis, gonorrhea, chancroid, syphilis, tuberculosis, tularemia and typhus fever. (Prior code § 20-1-23)

10.16.080 Action after notification—Chief medical director.

Whenever the chief medical director is notified or has reason to believe that there is a case of notifiable disease within his jurisdiction, he shall:

A. Either in person or through an authorized representative, immediately inquire into the circumstances surrounding the occurrence of such disease;

B. Establish and maintain quarantine, isolation or such other methods of control as are required by this chapter;

C. When notified that a communicable disease exists in any pupil or teacher at any school, forthwith inform the school authorities of such fact, and advise and require the school authorities to take necessary steps to prevent the spread of such disease;

D. Supply such information, instructions or available literature to the responsible person of the household as may be necessary to cause measures to be taken to prevent the spread of the disease. (Prior code § 20-1-25)

10.16.090 Interfering with duties of chief medical director.

No person shall interfere with or obstruct the entrance to any house or premises, or the inspection or examination of any occupant thereof by the chief medical director, his duly authorized agent or a representative of the state department of public health in the proper discharge of his official duties. (Prior code § 20-1-41)

10.16.100 Compliance required by hospital authorities.

It shall be the duty of every superintendent or other person in charge of any hospital or sanatorium, as soon as any disease declared by this chapter to be notifiable occurs in, is admitted to, or is examined or treated at any such hospital or sanatorium, to obey and enforce the provisions of all regulations relating to the isolation or observation of cases, carriers and suspects. (Prior code § 20-1-26)

10.16.110 Hospitalization of persons—Authorized when.

When, in the opinion of the chief medical director, proper isolation or care of any case, carrier or suspect of a communicable disease is not, or cannot be, effectually maintained on the premises occupied by the affected person by methods designated in this chapter, he may remove or require the removal of such person to a hospital or other proper place designated or approved by him. It shall be the duty of all persons concerned to comply with the orders in reference to such removal. (Prior code § 20-1-27)

10.16.120 Work restrictions—Persons with tuberculosis.

A. Any person declared to be infected and in an active stage of reinfection tuberculosis shall be prohibited from working in any dairy, milk plant, food-handling establishment, beauty parlor, barbershop, mill, factory, mine or any other place of employment where there would be direct contact with food for public consumption or with other persons. Any owner or manager of any such establishment having knowledge of or suspecting an employee or prospective employee of having this disease in an active form shall not employ or continue to employ any such person or persons until the absence or arrest of the suspected disease has been determined and certified to by a physician holding an unlimited license to practice medicine in this state; provided, that such certification shall be acceptable to the chief medical director who, through state or local facilities, may require a physical or laboratory or X-ray examination or both without cost to the patient to determine the disease status.

B. The finding of the mycobacterium tuberculosis organism in a specimen of sputum from a patient or X-ray evidence of active tuberculosis or both by a physician or laboratory approved by the state department of public health shall be sufficient evidence of declaration of infectiousness under this chapter.

C. Any person declared to be infected and in an active stage of reinfection tuberculosis shall be prohibited from teaching or otherwise working in or attending any private or public school. Any superintendent, principal or teacher having knowledge of or suspecting a student or teacher of having tuberculosis in an active form shall prohibit the attendance of such person at a school until the absence or arrest of the suspected disease has been determined and certified to by a physician holding an unlimited license to practice medicine in the state; provided, that such certification must be acceptable to the chief medical director in the same manner and under the same conditions as stated above. (Prior code § 20-1-28)

10.16.130 Compliance required by persons with disease—Quarantine conditions.

A. Every person who is infected with a communicable disease, who is suspected of having a communicable disease or who is a contact with a case of communicable disease shall strictly observe and comply with all official orders, isolation and quarantine regulations and restrictions given or imposed by the chief medical director or the state department of public health, in conformity with law and pursuant to this chapter.

B. No person other than the attending physician and authorized attendants shall enter, and no one shall permit any other person to enter, any room, apartment or premises quarantined for a communicable disease without a written permit from the chief medical director.

C. No person except the chief medical director or his duly authorized agent shall remove, conceal or deface any quarantine or isolation placard. (Prior code § 20-1-29)

10.16.140 Medical procedures after notification.

It shall be duty of the chief medical director, on receiving a report of anthrax, botulism, brucellosis, cholera, dengue, diphtheria, infectious encephalitis, infectious hepatitis, leptospirosis, malaria, plague, poliomyelitis, psittacosis, rabies in man, relapsing fever, Rocky Mountain spotted fever, salmonellosis (including typhoid fever), shigellosis, smallpox, trichiniasis, tularemia, typhus fever or yellow fever, to:

A. Confer with the physician or other person making such report;

B. Collect such specimens for laboratory examination, including nose and throat swabs, blood, feces and urine, or other types, as may be necessary to confirm the diagnosis of the disease or to find the source of the infection or both;

C. Make a complete epidemiological investigation and record the findings on a communicable disease field record; and

D. Establish such isolation or quarantine measures as provided by this chapter. (Prior code § 20-1-30)

10.16.150 Incubation periods.

For the purpose of this article, the accepted periods of incubation of certain communicable diseases are declared to be as follows, and shall be observed where indicated by the chief medical director in carrying out control measures:

Amebiasis 5 days to several months
Anthrax Within 7 days
Botulism Usually within 18 hours
Brucellosis Usually 14 to 30 days
Cholera 3 to 5 days
Dengue 3 to 5 days
Diphtheria 2 to 5 days
Encephalitis, infectious 5 to 15 days
Glanders 1 to 5 days
Gonorrhea 3 to 9 days
Hepatitis, infectious 10 to 40 days
Hepatitis, serum 2 to 6 months
Influenza 24 to 48 hours
Leprosy 1 to several years
Leptospirosis 4 to 19 days
Malaria
P. vivax 13 to 15 days
P. Falciparum 12 days
P. Malariae 28 to 30 days
Measles About 10 days
Meningococcal infections 2 to 10 days
Plague 2 to 6 days
Poliomyelitis 7 to 21 days
Psittacosis 6 to 15 days
Rabies in man Usually 2 to 6 weeks
Relapsing fever Up to 12 days
Rheumatic fever Not applicable
Rocky Mountain spotted fever 3 to 10 days
Salmonella Typhosa 1 to 3 weeks
Salmonella Paratyphi 1 to 10 days
Salmonella Schottmuelleri 1 to 10 days
Salmonellosis, other 6 to 48 hours
Shigellosis 36 hours to 7 days
Smallpox 7 to 16 days
Streptococcal infections 2 to 5 days
Syphilis 10 days to 10 weeks
Tetanus 4 days to 3 weeks
Trichinosis 2 to 28 days
Tuberculosis Variable
Tularemia 24 hours to 10 days
Typhus fever
Epidemic 6 to 15 days
Endemic 6 to 14 days
Whooping cough 7 to 21 days
Yellow fever 3 to 6 days

(Prior code § 20-1-31)

10.16.160 Minimum periods of communicability.

For the purpose of this chapter, the minimum periods of communicability for clinical cases of the diseases named in this section are declared to extend from the onset of the earliest symptoms to the time specified for each disease, and shall be observed by the chief medical director in controlling cases of communicable diseases:

Amebiasis—During intestinal infection.
Anthrax—Until lesions have healed.
Botulism—Not applicable.
Brucellosis—Rarely transmitted from man to man.
Cholera—Until the feces are free of the organism.
Dengue—Not transmitted from man to man. Vector—Aedes aegypti.

Diphtheria—Until fourteen days from first symptoms, provided abnormal discharges have ceased, and provided three successive negative nose and throat cultures have been had.

Encephalitis, infectious—Not transmitted from man to man. Vector—Culex tarsalis.

Glanders—Until lesions have completely healed.

Gonorrhea—Until adequate treatment has been given.

Hepatitis, infectious—Unknown.

Hepatitis, serum—Unknown. Transmitted only through blood or blood products.

Influenza—One week from onset.

Leprosy—Until lesions are completely healed.

Leptospirosis—Not applicable. Transmission from man to man negligible.

Malaria—Not transmitted from man to man. Vector—Anopheles quadrimaculatus.

Measles—Until five days after rash has appeared.

Meningococcal infections—Until fourteen days after onset, provided abnormal discharges have ceased.

Plague:

Bubonic type—Not communicable from man to man.

Pneumonic type—Until temperature has returned to normal and all abnormal discharges have ceased.

Poliomyelitis—Until seven days from onset. Virus may remain in feces for three to six weeks or longer.

Psittacosis—Until temperature has returned to normal and all abnormal discharges have ceased.

Rabies in man—Rarely transmitted from man to man.

Relapsing fever—Not transmitted from man to man.

Rheumatic fever—Not known to be communicable.

Rocky Mountain spotted fever—Not transmitted from man to man.

Salmonellosis:

Typhoid fever—Until at least one week after temperature has returned to normal and until three consecutive negative feces and urine cultures, taken at least one week apart and at least ten days after cessation of antibiotic therapy, show the absence of the infective organisms.

Other salmonella infections—Same as for typhoid fever.

Shigellosis—Until one week after temperature has returned to normal or one week after cessation of sulfonamide therapy or both and until two consecutive feces specimens taken at least one week apart show the absence of the infective organism.

Smallpox—Until the disappearance of crusts and scabs.

Streptococcal infections—Any patient who has beta hemolytic streptococcal infection will be isolated for twenty-four hours, and immediately be given an appropriate chemotherapeutic or antibiotic agent. He will be allowed to return to school or normal activities when he has been afebrile for three days, and there are no abnormal discharges or other complications. All cases of beta hemolytic streptococcal infection are to be reported to the department of health. There will be no quarantine of contacts.

Syphilis—Until adequate treatment has been given to assure that an infectious relapse will not occur.

Tetanus—Not transmitted from man to man.

Trichinosis—Not transmitted from man to man.

Tuberculosis—As long as the specific causative organisms are discharged from the patient.

Tularemia—Not transmitted from man to man.

Typhus fever:

Epidemic—Not transmitted from man to man.

Endemic—Not transmitted from man to man.

Whooping cough—Until three weeks after development of the characteristic whoop or until five weeks after the appearance of first catarrhal symptoms.

Yellow fever—Not transmitted from man to man.
(Prior code § 20-1-32)

10.16.170 Methods of control—Certain diseases.

A. The chief medical director, upon receiving a report of a case of any disease designated in this chapter, shall promptly institute and maintain during the period of communicability, such methods of control as are designated in this section:

1. When the disease is diphtheria, plague or smallpox, official quarantine shall be instituted, the house or apartment where such disease exists shall be placarded, the patient shall be isolated, contact between the patient and all except the necessary attendants shall be strictly prohibited and concurrent and terminal disinfection practiced.

2. When the disease is glanders, poliomyelitis or psittacosis, the patient shall be officially isolated in a separate room, and contact between the patient and all except the necessary attendants shall be strictly prohibited and concurrent disinfection shall be practiced.

3. When the disease is cholera, infectious hepatitis, salmonellosis (including typhoid fever) or shigellosis, the patient shall be officially isolated in a room separate and apart from others in the household where possible, the room shall be effectually screened against flies where possible, concurrent disinfection shall be practiced, contact with all except the necessary attendants shall be strictly prohibited until convalescence and the patient shall be continued under observation (infectious hepatitis excluded) until negative laboratory examinations are secured as provided elsewhere in this chapter for release.

In the case of infectious hepatitis, instructions shall be given to continue concurrent disinfection for at least two months after recovery.

4. When the disease is anthrax, influenza, measles, meningococcal infections, rabies, streptococcal infections or whooping cough, the attending physician should instruct the householder that the patient should be isolated and concurrent disinfection practiced. Any patient who has beta hemolytic streptococcal infection shall be isolated for twenty-four hours, and immediately be given an appropriate chemotherapeutic or antibiotic agent. He may return to school or normal activities when he has been afebrile for three days, and there are no abnormal discharges or other complications. All cases of beta hemolytic streptococcal infection shall be reported to the department of health. There need be no quarantine of contacts.

5. When the disease is amebiasis or leprosy, the patient shall be held under observation to ensure that scrupulous concurrent disinfection is practiced.

6. When the disease is gonorrhea, syphilis or tuberculosis, the premises shall be placarded and the patient isolated whenever the infected person fails or refuses to take the necessary measures to prevent the spread of the disease to others and as provided by statute.

7. When the disease is dengue, malaria or yellow fever, every effort should be made to prevent the transmission of the infection, and where possible, the house shall be screened to prevent ingress of mosquitoes.

8. When the disease is botulism, brucellosis, infectious encephalitis, serum hepatitis, leptospirosis, relapsing fever, Rocky Mountain spotted fever, tetanus, trichinosis, tularemia or endemic typhus fever, the patient should be isolated to protect him from secondary infections.

B. When the chief medical director finds that the methods designated are ineffective in the control of an individual case of communicable disease or other measures are indicated, he is authorized to employ such additional restrictions as may be necessary for the protection of the public health. (Prior code § 20-1-33)

10.16.180 Methods of control—Contacts.

It shall be the duty of the chief medical director to institute and maintain measures for the control of contracts of persons with diphtheria, plague and smallpox by quarantine or observation of such contacts in the same manner as that prescribed for the person with the disease to which the contact has been exposed from last contact until time has elapsed equivalent to the maximum incubation period of the disease unless the contact gives evidence of immunity to the disease. The chief medical director is authorized at his discretion to impose the above restrictions on contacts of other diseases transmitted from man to man, directly or indirectly, whenever, in his judgment, the disease can be effectively controlled by this procedure. The chief medical director is further authorized, at his discretion and upon his own responsibility, to grant a provisional written permit modifying the restrictions for contacts whenever, in his judgment, such action will not result in the spread of the disease. (Prior code § 20-1-34)

10.16.190 Methods of control—Carriers.

A. Convalescent or healthy carriers of salmonella (including typhoid) or shigella organisms:

1. Shall be instructed fully by the chief medical director in the precautions necessary to protect others from infection, including methods of excreta disposal;

2. Shall not engage in any occupation involving the handling of milk, food or drink for use by others;

3. Shall notify the chief medical director of any change of address;

4. Shall be visited by the chief medical director or his duly authorized representative as often as necessary to assure that these regulations are being observed;

5. Shall be released from observation by the chief medical director:

a. Convalescent, after the temperature has been normal for at least one week and after a minimum of three consecutive negative fecal cultures (in typhoid, also urine cultures) taken at least one week apart and at least ten days after cessation of antibiotic therapy, show the absence of the organisms,

b. Healthy, after a minimum of three consecutive negative fecal cultures (in typhoid, also urine cultures) taken at least one week apart show the absence of the organisms, provided no antibiotic therapy has been given before or is given during the intervals between the collection of specimens.

B. Chronic carriers of salmonella (including typhoid) or shigella organisms:

1. Shall be instructed fully by the chief medical director in the precautions necessary to protect others from infections, including methods of excreta disposal;

2. Shall not engage in any occupation involving the handling of milk, food or drink for use by others;

3. Shall notify the chief medical director of any change of address;

4. Shall be visited by the chief medical director or his duly authorized representative at least once a year or oftener as necessary, for the purpose of determining if these regulations are being observed;

5. Shall be required to sign an acknowledgment in triplicate of his condition, the danger of this condition to others and the precautions necessary to be taken to prevent being the source of cases of the diseases. One copy shall be kept by the carrier, one copy shall be filed in the office of the chief medical director and one copy shall be sent by the chief medical director to the division of preventable diseases, state department of public health;

6. Shall be released from observation only upon approval of the commissioner of the state department of public health.

C. In requesting release of a chronic carrier, proof shall be submitted of a minimum of six consecutive negative fecal cultures (in urinary carriers, a minimum of six consecutive negative urine cultures) taken at least one month apart, the last two of which must be validated by collection in a hospital or otherwise directly supervised, and that no antibiotic has been given during the ten days immediately preceding the collection of each specimen. In releasing former fecal carriers, the final two fecal cultures may be validated by the giving of lycopodium; or a negative bile culture may be substituted for such validation. (Prior code § 20-1-35)

10.16.200 Concurrent disinfection.

It shall be the duty of the chief medical director to give detailed instructions to the nurses or other persons caring for a case of a communicable disease which has been officially isolated or quarantined in regard to the disinfection and disposal of all articles contaminated directly or indirectly by contact with the patient. It shall be the duty of the nurse or attendant and head of the household faithfully to carry out such disinfection throughout the communicable period of the disease. (Prior code § 20-1-36)

10.16.210 Terminal disinfection.

It shall also be the duty of the chief medical director, prior to the release from official isolation or quarantine of any case of communicable disease, to have instituted such terminal disinfection and cleansing measures as he may deem necessary. Terminal disinfection shall in no case be a substitute for concurrent disinfection throughout the course of the disease. (Prior code § 20-1-37)

10.16.220 School attendance restrictions—Children with certain diseases.

A. In addition to the diseases declared by this chapter to be notifiable, it shall be the duty of the school authorities to exclude from any public or private school, any child who is infected with, or who is suspected of having the following diseases: chickenpox, contagious conjunctivitis (pink eye), favus, German measles, impetigo contagiosa, mumps, pediculosis, ringworm, scabies, streptococcal infections and Vincent's infection.

B. Children with impetigo contagiosa and ringworm shall be excluded from school until treatment has been instituted and preventive measures started. (Prior code § 20-1-40)

10.16.230 School attendance restrictions—Immunization required.

A. The chief medical director shall, immediately upon the convening of the respective schools in the metropolitan government area, make a survey for the purpose of ascertaining all those in attendance who have not been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola (red measles), rubella (German measles) and smallpox, and issue notice to the respective parents of such children of this requirement for compulsory immunization of schoolchildren against diphtheria, pertussis, tetanus, poliomyelitis, rubeola (red measles), rubella (German measles) and smallpox as a condition for continued attendance in school, and designate a reasonable time within which immunization procedure shall be completed. When and if such parent shall fail or refuse to take his child to his family physician for the immunization procedure within the time designated by the chief medical director, he shall be notified that unless a written opinion is furnished the chief medical director from a physician that it would not be prudent, on account of sickness or other cause, to administer the prophylactic treatment, the chief medical director shall proceed to enforce the provisions of this section. The chief medical director is authorized to furnish, at the department's expense, the necessary vaccine or serum, or both, and to perform the necessary immunization service for those children whose parents request the same.

B. The immunizations against diphtheria, pertussis, tetanus, poliomyelitis, rubeola (red measles), rubella (German measles) and smallpox, as mentioned in subsection A of this section, shall also be a condition precedent to the right to be in attendance upon any day nursery school or other similar agency. (Prior code § 20-1-42)

10.16.240 Serving or handling food prohibited by certain persons.

No person who is ill with cholera, diphtheria, infectious hepatitis, poliomyelitis, salmonellosis (including typhoid fever), shigellosis or streptococcal infection or who resides in a household with a case of any of these diseases or is a carrier of salmonella or shigella organisms shall serve or handle in any manner whatsoever

food intended for sale or public consumption. (Prior code § 20-1-39)

10.16.250 Sale of milk and milk products restricted when.

When a case of cholera, diphtheria, infectious hepatitis, poliomyelitis, salmonellosis (including typhoid fever), shigellosis, streptococcal infection, or a carrier of salmonella or shigella exists or resides on any farm or dairy producing milk, cream, butter, cheese or other milk products, the chief medical director shall prohibit the removal or sale of these products from such farm or dairy, unless the handling of the products is done in a manner which will preclude the possibility of contamination and unless written approval of such removal is granted by the chief medical director. If these products are sold or consumed in another health jurisdiction, he shall immediately report to the local health officer concerned, giving necessary information regarding the disease, the name and location of such farm or dairy and the place or places where these products are sold or consumed. Whenever possible, it is desirable for the cases and carriers of this classification to be removed entirely from the premises where food is produced, processed, sold or served for public consumption. (Prior code § 20-1-38)

Chapter 10.18

PROHIBITION OF SMOKING IN METROPOLITAN BUILDINGS

Sections:

10.18.010 Definitions.

For the purposes of this chapter, the words and phrases herein shall have the following meanings:

"Metropolitan government building" means any structure or building owned by the metropolitan government including the field and the stadium bowl owned by the Sports Authority of the Metropolitan Government, including those portions of buildings owned by other entities which are rented or leased by the metropolitan government (not including common space), except that the term "metropolitan government building" does not include:

1. Buildings under the operation and control of (a) the metropolitan development and housing agency, or (b) the metropolitan Nashville airport authority; and (c) the Metropolitan Convention Center.

Provided, however, when admission to an event in the exhibition hall is open to the general public at large (public event), smoking will not be permitted on the exhibition floor, in the restrooms or in the common areas of the convention center. This prohibition does not apply to the outdoor terrace area. Furthermore, events which are closed to members of the general public (private events) which are held at the same time that a public event is held will be exempted from the above restrictions; provided, that smoking for attendees of such private events is restricted to areas of the convention center which are not accessible by members of the general public.

2. Office space rented, or leased by metropolitan government to private, nongovernmental tenants, or are otherwise occupied by such tenants, specifically including but not limited to snack bars operated under government programs, however, not including any common space for which rental fees are paid.

"Smoking" means the burning of a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco. (Ord. 98-1381 § 1, 1998; Amdt. 1 to Ord. 95-1397, 6/6/95; Ord. 95-1397 § 1, 1995; Ord. 95-1316 § 1, 1995; Ord. 94-1119 § 1, 1995: Ord. 94-1035 § 1, 1994)

10.18.020 Smoking prohibition.

Smoking is prohibited inside all metropolitan government buildings except as provided herein. Smoking may be permitted by employees and officials or visitors only in totally enclosed rooms which are adequately ventilated to expel secondhand smoke or are equipped with mechanical devices to provide smoke removal which do not expose nonsmokers to any smoke as certified by the department of general services; provided, however, smoking shall not be permitted in any restroom facility. (Ord. 94-1119 § 2, 1995: Ord. 94-1035 § 2, 1994)

10.18.030 Smoking in non-metropolitan government buildings.

Those departments, boards, agencies and private owners listed in Section 10.18.010, Metropolitan government building, subsection 1, shall not be precluded from also prohibiting smoking in those facilities or areas of such facilities that are not subject to this chapter. (Ord. 94-1119 § 3, 1995: Ord. 94-1035 § 3, 1994)

10.18.040 Posting of signs.

In all metropolitan government buildings where smoking is prohibited under the provisions of this chapter, the department of general services or department, board or agency having control of such building, shall conspicuously post, or cause to be posted, signs stating that smoking is prohibited and that violators are subject to fines. (Ord. 94-1119 § 4, 1995: Ord. 94-1035 § 4, 1994)

10.18.050 Penalties.

Any person found in violation of the provisions of this chapter shall be punished by a fine not to exceed fifty dollars. (Ord. 94-1119 § 6, 1995: Ord. 94-1035 § 5, 1994)

Chapter 10.20

SOLID WASTE COLLECTION AND DISPOSAL

Sections:

Article I. General Regulations

10.20.010 Definitions.

In this article, the following words and terms shall, unless the context otherwise requires, have the following meanings:

"Energy production facility" means a facility for the production, conversion or transmission of energy from the controlled processing of fossil or other fuels and the production of electricity, steam or other forms of energy for heating, cooling, manufacturing processes and other uses, and shall include energy recovery facilities as defined in Tennessee Code Annotated, Section 68-31-501 and may include resource recovery facilities as defined in Tennessee Code Annotated, Section 68-31-501 to the extent that such resource recovery facilities are constructed in connection with energy recovery facilities.

"Person" means any and all persons, natural or artificial, including any individual, firm or association, business trust, partnership, joint venture (provided, however, that as to any business trust, partnership or joint venture in which any federal government corporation has direct, equitable or beneficial ownership, such business trust, partnership or joint venture shall not be included in the definition of "person"), municipality, and public, municipal, nonprofit or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state and any department, agency or instrumentality of the executive, legislative and judicial branches of the federal government.

"Solid waste" means all municipal, commercial or industrial solid waste, garbage, rubbish, refuse, and other such similar and related materials, including, without limitation, recyclable materials when they become discarded, except those excluded by the Tennessee Department of Public Health, which will designate as "special waste" any hazardous or other waste it determines should not be processed in an energy production facility for reasons of public health or safety or because the nature of the waste is such that it is not suitable for processing in an energy production facility. (Prior code § 36-1-40)

10.20.020 Metropolitan government authority.

The metropolitan government of Nashville and Davidson County shall have exclusive jurisdiction and exclusive right to control the collection and disposal of solid waste within the boundaries of the metropolitan government. (Prior code § 36-1-41)

10.20.030 Director of public works authority.

The removal and disposition of solid waste within the boundaries of metropolitan government by any person, firm, corporation or governmental entity shall be under the exclusive jurisdiction and control of the director of the department of public works. (Prior code § 36-1-42)

10.20.040 Adoption of rules and regulations.

The director of the department of public works, subject to the approval of the metropolitan mayor, may make such rules and regulations as are not inconsistent with the provisions of this article as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this article. (Prior code § 36-1-43)

10.20.050 Exemptions.

A. Manufacturing firms which hold state permits to dispose of or utilize their own solid wastes on plant property on April 27, 1981, shall not be subject to the provisions of this article.

B. Nothing in this article shall prevent a person or business entity who generates or produces solid waste upon property owned, leased or rented by such person or business entity to separate or cause to be separated recyclable materials therefrom while the solid waste is on such property and either:

1. To maintain title to such recyclable materials for his own use; or

2. To dispose of such recyclable materials by sale or gift;

provided such separation and disposition neither creates a public nuisance nor is otherwise injurious to the public health, welfare and safety.

C. Nothing in this article shall prevent a person from purchasing or receiving by gift recyclable materials for

processing or other use separated and disposed of in strict accordance with subsection B of this section.

D. Solid waste containing recyclable materials may be transported to private intermediate disposal points, as that term is defined by the director of public works for removal of recyclable materials if facility capacity at the intermediate disposal point is one hundred tons per month or greater, and if the intermediate disposal point is located within the metropolitan government of Davidson County. For purposes of this article, "recyclable materials" will be those designated as such from time to time by the director of public works; provided, however, that such designations by the director must be consistent with applicable state laws and regulations.

E. Nothing in this article shall be construed to permit any person to transport or convey any solid waste or residue generated within the metropolitan government to any disposal point other than points identified on a written register maintained by the director.

F. Nothing in this article shall prevent the metropolitan government from receiving a fee payable by any person for the privilege of transporting, collecting, receiving, processing or disposing of construction/demolition waste or residue generated within or transported into the area of the metropolitan government. The metropolitan council may adopt by ordinance a fee schedule for these approved activities or sites.

G. Nothing in this article shall be construed to prevent the removal of special wastes; hazardous wastes; white goods; bulky wastes; farming wastes or pesticide wastes, as those terms are defined in Rule 1200-1-7-.01 of the Tennessee Department of Health and Environment, from the solid waste processed for removal of recyclable materials at an intermediate disposal point. Once so removed, such wastes shall not be added back into the residue and their disposal shall be the responsibility of the owner and/or operator of the intermediate disposal point.

H. Exemptions from regulation under this article shall be automatically granted for persons collecting or processing five thousand pounds or less of recyclable materials in any calendar year, upon filing of an application for exemption with the director of public works.

I. For the purpose of documenting the metropolitan government's progress in solid waste management, including source reduction, recycling and composting, all owners or operators of solid waste disposal points, haulers, collectors, operators or removers, including exempted persons, shall submit to the director of public works a report of the quantities of solid waste, residue, or recyclable materials collected, transported, processed or disposed of, including the destination of recyclable materials. The frequency and detail of such reports shall be at the discretion of the director of public works. (Ord. 91-1516 § 1, 1991; prior code § 36-1-44)

10.20.060 Sanitary landfill site—Extension of permit and use.

No public sanitary landfill site within the area of the metropolitan government, being used for such purposes as of October 21, 1988, the effective date of this section, may be used for such purpose beyond the time permitted by its permit authorizing such use by the Tennessee Department of Health and Environment, except by resolution adopted by the metropolitan county council authorizing the extension of such permit and use. Such resolution of the metropolitan county council shall not be effective unless adopted by twenty-one affirmative votes of the membership of the metropolitan county council. (Prior code § 36-1-2.2)

10.20.070 Information required on dump trucks—Violation and penalty.

A. All dump trucks with a capacity of two tons or more and any vehicle used in collection or transporting of solid waste for a fee shall be required to have painted or affixed to the rear of the vehicle the name of the owner of the vehicle and at least one letter and two numerals at least five inches in height identifying the vehicle. The requirement herein shall apply to those vehicles using the secondary road system (not the interstate road system). Each contractor shall have different numbers for each vehicle in their fleet.

B. Any driver found in violation of this section shall be fined an amount up to fifty dollars. (Ord. 94-988 § 1, 1994; prior code § 36-1-2.1)

10.20.075 Information required on commercial trucks transporting used tires—Violation and penalty.

A. All commercial trucks used in the collection or transporting of used tires shall be required to have painted or affixed to the side or rear of the vehicle the name and telephone number of the owner of the vehicle. The requirement herein shall apply to those vehicles using the secondary road system (not the interstate road system).

B. Any driver found in violation of this section shall be fined an amount up to fifty dollars. (Ord. BL2003-10 § 1, 2003)

10.20.080 Battery box and parts defined—Disposal and placement.

A. The term "battery box," as used in this section, means any container which has been used to hold battery plates and battery acid for use in automotive equipment or in the operation of gasoline engines, radios, etc. The term "battery parts," as used in this section, means the lead plates or separation plates used in batteries.

B. It is unlawful within the area of the metropolitan government for any person engaged in the manufacture, storage, handling, salvaging or sale of battery boxes or battery parts to dispose of the same on any of the dumps in the area of the metropolitan government, public or private, or to place the same in any location where they can be readily obtained by parties desiring them for fuel purposes or otherwise.

C. This disposal or placement of battery boxes or battery parts on any dump within the area of the metropolitan government, public or private, or in any other public location or place of such character as to make such battery boxes or battery parts accessible to the public, is declared to be a public health nuisance. (Prior code § 36-1-2)

10.20.085 Chipper service.

A. No other types of solid waste in addition to yard waste will be collected by the chipper service; nor will any solid waste or nonuniform yard waste (including logs) be moved or handled to allow collection of other yard waste in the same stockpile. Provided further, that no limbs in excess of four inches in diameter will be allowed to be collected.

B. Placement of the stockpile of yard waste acceptable for collection by the chipper service must be a location at the curb or the edge of the road or street; provided, however, collection by the chipper service shall be in alleys when such alleys are utilized for collection of solid waste.

C. No yard waste will be collected from private property or in an alley, except as otherwise provided in this section.

D. Persons operating tree surgery businesses or other commercial ventures which generate yard waste are required to remove all debris generated by their procedures and to dispose of that debris according to the Public Works Regulation on Collection and Disposal of Solid Waste in Davidson County.

E. Persons collecting, processing or disposing of yard waste in lieu of using the Metro chipper service are required to follow the Public Works Regulation on Collection and Disposal of Solid Waste in Davidson County.

F. The director of public works shall have the authority to suspend any or all of the chipper service rules in an emergency. (Ord. 92-325 § 1, 1992; Amdt. 1 to Ord. 91-44, 11/19/91; Ord. 91-44 § 1, 1991)

Article II. Urban Services District—Garbage Collection and Disposal

10.20.090 Definitions.

For the purpose of this article, the following words and phrases shall have the meanings set out in this section. Words used in the present tense shall include the future tense and in the singular shall include the plural and the plural shall include the singular and the masculine shall include the feminine gender:

"Bulky items" means oversized items from the residential generator that do not fit in the approved refuse disposal container, including but not limited to, white goods, mattresses, furniture and tires.

"Chipper residue" means wood chips produced by mechanical grinding of limbs, brush, or other woody waste.

"Commercial-industrial establishment" means any establishment not included in either one-family, two-family or multifamily residential.

"Composting" means the process of organic matter decomposition based on microbic self-heating resulting in a thoroughly decomposed, humidifisal organic matter suitable for application to soil.

"Director" means the director, department of public works of the metropolitan government of Nashville and Davidson County, Tennessee.

"Garbage" means and includes every accumulation of both animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruits or vegetables, tin cans or other containers originally used for food stuffs.

"Hazardous refuse" means any chemical, compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive or otherwise harmful.

"Industrial waste" means all such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous refuse.

"Multifamily residential" means any dwelling, house, building or other structure or group of structures containing more than two dwelling units, with each individual unit considered a separate residence.

"One-family and two-family residential" means any dwelling, house, building or other structure wherein any

individual or group of individuals live on a self-sustaining basis in one or two separate units.

"Person" means every natural person, firm, partnership, association or corporation.

"Public place" means and includes parks, water or open adjacent spaces thereto and public yards, grounds and areas and all open spaces between buildings and streets and in view of such streets.

"Refuse" means "rubbish" or "garbage" as defined in this section.

"Rubbish" means and includes all nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, glass, crockery, excelsior and similar materials. It does not include bulky items meaning stoves, refrigerators, water tanks, washing machines, broken furniture, automobiles and automobile parts or similar bulky materials having weight greater than fifty pounds per item and/or not fitting in the containers.

"Segregated wood waste" means clean, uncontaminated wood waste acceptable to the director of public works.

"White goods" means residential appliances, including but not limited to, water heaters, washers, dryers, stoves and refrigerators.

"Wood waste" means and includes chipper residue and segregated wood waste.

"Yard waste" means and includes leaves, limbs, brush, grass clippings and other matter normally considered as waste or byproducts of yard, lawn or horticultural maintenance activities. (Ord. 93-821 § 2, 1993; Ord. 91-1604 § 1, 1991; prior code § 36-2-7)

10.20.100 Director of public works authority.

The removal and disposition of garbage and rubbish from premises in the urban services district shall be under the jurisdiction of the director of the department of public works. (Prior code § 36-2-8)

10.20.110 Adoption of rules and regulations—Administration.

The director, subject to the approval of the mayor, may make such rules and regulations as are not inconsistent with the provisions of this article as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this article. (Prior code § 36-2-9)

10.20.111 Educational materials on recycling.

The recycling office of the metropolitan department of public works shall produce and distribute educational materials to promote and encourage "home" composting of yard waste, and other environmentally sound alternatives. (Ord. 91-1604 § 4, 1991)

10.20.120 Collection requirements.

The department of public works shall only pick up and dispose of garbage and rubbish in the urban services district which has been placed in an adjacent alley, on an adjacent curb or on the side of a public road or street and subject to the following additional limitations:

A. One-Family and Two-Family Residential. The department of public works shall pick up and dispose of garbage and rubbish once a week and shall determine the maximum amount thereof it will pick up each time. All garbage and rubbish shall be placed in thirty-gallon containers and no container's contents shall weigh more than fifty pounds, provided, however, these limits shall not apply if the department of public works or other department furnishes a container with greater capacity. If the department of public works furnishes a waste container for use at a one-family or two-family residence, the residents of such dwelling shall use that container for the weekly collection contemplated by this section. Further, such residents shall comply with waste container capacity and weight limitations established by the director of the department of public works. Any excess garbage or rubbish shall be disposed of at the expense of the owner or the person in charge of the premises.

B. Multifamily Residential. The department of public works shall pick up and dispose of garbage and rubbish once a week and shall determine the maximum amount thereof it will pick up each time. All garbage and rubbish shall be placed in containers approved by the director of public works, and maximum allowable full container weight shall be determined by the director of public works. The owner or owners of each multifamily residential development or complex may elect to dispose of garbage and rubbish in large volume containers or dumpsters. Should the owner elect to utilize volume containers or dumpsters, they shall be of a size compatible with equipment of the department of public works and subject to the approval of the director of the department of public works. Any excess garbage or rubbish shall be disposed of at the expense of the owner or person in charge of the premises.

C. Commercial-Industrial Establishment. The department of public works shall pick up and dispose of garbage and rubbish once a week and shall determine the maximum amount thereof it will pick up each time. All garbage and rubbish shall be placed in thirty-gallon containers and no container's contents shall weigh more than fifty pounds. Any excess garbage and rubbish shall be

disposed of at the expense of the owner or person in charge of the premises.

D. Commercial-Industrial Establishment, Downtown Core Area. The department of public works shall pick up no more than six thirty-gallon containers of garbage and rubbish for each individual commercial or industrial establishment six days per week (Monday through Saturday) in that area of downtown as described in Section 10.20.390 of this chapter. Each individual container and its contents shall not weigh more than fifty pounds. All such containers must be uniform and must be provided by the owner and/or occupant, and the containers must be approved by the director of the department of public works, who shall have the authority to waive the requirement that containers be uniform under such circumstances as he deems appropriate. Any excess garbage and rubbish over twelve thirty-gallon containers per establishment shall be disposed of at the expense of the owner or person in charge of the premises.

E. Back Yard Pickups. The foregoing to the contrary notwithstanding, the department of public works shall pick up and dispose of garbage and rubbish placed at the back yard of any residence upon request for such service by the owner or occupant of the residence and upon the payment of a fee, such fee to be the actual cost for providing such service, including the cost of the billing and collection of such fee, as determined by the department of public works. The cost for this service shall be uniform throughout the urban services district. Any contract for collection of garbage entered into with private contractors shall provide for this additional service and shall enumerate the uniform fee for such service.

F. 1. The metropolitan department of public works shall pick up leaves from all residential areas within the urban services district to the limitations contained herein.

a. Leaves shall only be picked up if they are properly placed within paper biodegradable bags approved by the director of public works.

b. Leaf collection shall be a seasonal service and the frequency and duration of the service shall be determined by the director of public works.

2. Leaves collected by the metropolitan department of public works leaf collection program shall not be disposed of in sanitary landfills or waste to energy plants. (Amdt. 1 with Ord. 2001-925 § 1, 2002; Ord. 93-821 § 3, 1993; Ord. 91-1604 § 2, 1991; Amdt. 2 to Ord. 89-826, 8/1/89; Ord. 89-826 § 1, 1989: prior code § 36-2-10)

10.20.130 Rules and regulations.

The director of public works shall submit to the council all rules and regulations promulgated under this section and Section 10.20.120 for approval by resolution. In addition to the rules and regulations provided for in Section 10.20.120, rules and regulations shall be promulgated to provide for the conditions which shall warrant a waiver for the elderly, handicapped, disabled or other persons from being required to comply with the provisions of Section 10.20.120. (§ 2 of Amdt. 1 to Ord. 89-826, 7/18/89: Ord. 89-826 § 2, 1989)

10.20.140 Religious and nonprofit organizations.

All religious and tax-exempt institutions shall be eligible for garbage pickup in the same manner and quantity as that provided for commercial and industrial establishments. (Prior code § 36-2-11)

10.20.150 Hazardous, pathogenic and radioactive waste.

A. Hazardous Waste. All hazardous waste shall be disposed of by the industry, manufacturers or processing plant generating such waste under such methods and conditions as shall be approved by the director of public works. Such industries may apply for a special permit as a private collector or may dispose of industrial waste by licensed private collectors.

B. Pathogenic and Radioactive Waste.

1. All pathogenic and radioactive waste shall be disposed of by the hospital or institution generating such waste under such conditions as shall be approved by the health department.

2. All pathological waste from physician's clinics, dental clinics, blood banks and medical or microbiological laboratories shall be separate from normal waste, placed in durable disposable bags that can be tied and sealed when full. The bags shall be stored in metal containers with tight-fitting lids while in the process of being filled. Containers shall be adequately labeled and kept in places restricted from access by the public. Needles shall be separated from disposable syringes by breaking them off at the hub immediately after use. These materials shall only be placed at the collection point on the day they are to be collected. Storage, collection and disposal of pathological waste shall be in accordance with regulations of the Davidson County health department. (Prior code § 36-2-12)

10.20.160 Container requirements.

A. Duty to Have Containers. It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and, in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to

be kept a sufficient number of containers for the deposit of garbage generated on the premises.

B. Container Requirements. Lids or covers must be provided for all such containers and they shall be kept tightly closed at all times other than where garbage is being deposited therein or removed therefrom. Containers used for the deposit of garbage for collection by the metropolitan government shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. Individual (can-type) containers provided shall be not larger than twenty-five inches in diameter and thirty inches in height nor smaller than fourteen inches in diameter and sixteen inches in height (commonly known as thirty-gallon and twenty-gallon containers). All individual (can-type) containers shall be made of galvanized or plastic material and shall be kept watertight at all times.

Containers for semi-automatic or automatic collection shall be as specified and approved by the director of public works. (Ord. 93-821 § 4, 1993; prior code § 36-2-13)

10.20.170 Location of container—Gate requirements.

A. It shall be incumbent upon tenants, lessees, occupants or owners of premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting garbage. Containers for garbage and refuse to be collected shall be placed at a convenient and accessible point in the yard within five feet of an alley, whenever an alley exists in the rear of such premises, and where no alley exists, the container shall be placed at a convenient and accessible point adjacent to a drive or walkway. Containers shall be placed where collectors may pick up and empty same without attack from animals. Metropolitan government garbage collectors shall not enter houses or stores for the collection of garbage or rubbish.

B. Where yards are fenced, a gate suitable for passage of collectors and their equipment, the gate being a minimum width of forty inches, shall be left open to provide a safe and convenient entrance to and through the premises; provided, that the director of public works may grant waivers of this section in cases of hardship. Garbage and refuse shall not be stored in close proximity to other personal effects which are not desired to be collected but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not. (Prior code § 36-2-14)

10.20.180 Authorized use of containers.

A. No person other than the owner or person lawfully in control of any premises, or any authorized employee of the metropolitan government or an authorized employee of a person licensed by the metropolitan government for the collection or removal of garbage or rubbish, shall interfere, in any manner, with a container used for the accumulation or handling of garbage or rubbish or remove any such container from the location where it shall have been placed by the owner or person lawfully in control of the premises, nor shall any such person remove the contents from any such container.

B. It is unlawful for any person, firm or corporation to deposit or permit or suffer its agents, servants or employees to deposit household or commercial wastes in or about the antilitter cans or like receptacles provided by the metropolitan government in various public places in the community. (Prior code § 36-2-19)

10.20.190 Sanitary landfills established—Tip fee required.

The metropolitan government may establish sanitary landfills or other places of disposal as may be necessary. Except as provided herein, no person shall use or be permitted to use any sanitary landfill or other place of disposal except upon the payment of a fee. The council may by resolution establish or adjust fees for any persons using metropolitan sanitary landfills, incinerators or other collection stations, provided nothing herein shall prohibit the establishment of a private landfill by any private developer, provided landfill is approved by the metropolitan health department and the appropriate state agencies. (Ord. 93-821 § 1, 1993; Ord. 91-1603 § 1, 1991; prior code § 36-2-15 (a))

10.20.191 Composting/processing facility for leaves and wood waste.

The metropolitan department of public works shall maintain and operate a composting/processing facility for the purpose of composting/processing leaves and wood waste. End products may be utilized by the metropolitan government; sold by competitive bid; and/or made available to businesses located in Davidson County and to the general public. (Ord. 94-914 § 1, 1994)

10.20.200 Tip fees—Generally.

All metropolitan government sanitary landfills, incinerators, or other solid waste collection or disposal facilities, including, but not limited to, energy production facilities, shall have tip fees established and all persons shall pay a tip fee of six dollars per cubic yard or twenty-

four dollars per ton of loose or compacted refuse, effective May 1, 1998. (Ord. 98-1110 § 1, 1998)

10.20.210 Tip fees—Special waste.

The director of public works shall be authorized to assess special fees for the processing of special waste as defined by the state solid waste requirements. The fee shall not exceed fifteen dollars per cubic yard or sixty dollars per ton. (Ord. 93-821 §§ 1, 6, 1993)

10.20.211 Tipping fee for wood waste and chipper residue.

The metropolitan department may establish a separate tipping fee rate for segregated wood waste and chipper residue. The council may, by ordinance, adjust such fees. The tipping fee for segregated wood waste and chipper residue is established at five dollars per cubic yard for segregated wood waste, and three dollars per cubic yard for chipper residue. (Ord. 91-1604 § 5, 1991)

10.20.220 Tip fees—Reduced when recycling materials.

A. Sections 10.20.200 through 10.20.260 to the contrary notwithstanding, a fee of five dollars per cubic yard or twenty dollars per ton shall be collected from any person or business entity (including not-for-profit entities) who generates or produces solid waste upon property owned, leased or rented by such person or business entity to separate or cause to be separated recyclable materials therefrom while the solid waste is on such property to either (1) maintain a title to such recyclable materials for his own use, or (2) to dispose of such recyclable materials by sale or gift, provided such separation and disposition neither creates a public nuisance nor is otherwise injurious to the public health, welfare and safety.

B. The director of public works shall adopt rules and regulations, a copy of which shall be filed with the metropolitan clerk to provide certification of such solid waste, its collection and disposal. These rules and regulations shall at a minimum require that entities shall be eligible for this reduced fee if they divert from disposal by recycling a minimum of eighty percent of the material they receive, except for construction and demolition waste as defined and regulated by the state of Tennessee, if they divert from disposal by recycling a minimum of thirty-five percent of the material they receive. Mixing of construction and demolition waste with other types or classes of solid waste, including material from a construction or demolition site which is not construction or demolition waste, will cause the waste to be classified as other than construction and demolition waste. (Ord. 93-821 §§ 1, 7, 1993; Ord. 91-1651 § 1, 1991; Ord. 90-1108 § 1, 1990: prior code § 36-2-15 (b) (part))

10.20.230 Tip fees—Increased when using out-of-county vehicles.

All fees and charges imposed in this article shall be doubled when such waste or refuse is transported to any sanitary landfill, incinerator or collection site in a vehicle having other than a Davidson County motor vehicle license tag. (Ord. 93-821 § 1, 1993; Amdt. 3 to Ord. 89-825, 11/21/89: Ord. 89-825 § 5, 1989: prior code § 36-2-15 (b) (part))

10.20.240 Use of tip fees.

Five-sixths of the funds derived from the tip fee shall be placed in the solid waste disposal fund, and one sixth shall be placed in the recycling fund. Moneys from the recycling fund may not be expended or appropriated except by specific resolution of the metropolitan council. (Ord. 99-1668 § 1, 1999)

10.20.250 Free dumping on Wednesday by private citizens.

Sections 10.20.200 through 10.20.260 to the contrary notwithstanding, any vehicle presented for dumping at the metropolitan government sanitary landfills on Wednesday of each week shall not be required to pay any fee; provided, that such vehicles disposing of refuse be owned and operated by private citizens who do not hold permits provided by Section 10.20.300, and are not engaged in commercial collection of rubbish or industrial waste. (Prior code § 36-2-15 (b) (part))

10.20.270 Adoption of rules and regulations—Tip fees.

The director of public works shall be authorized to promulgate reasonable rules and regulations for the collection of the fees, including collection at the landfills, incinerators or other collection stations. The director shall also make reasonable rules and regulations as shall be necessary to carry out the inspection, supervision and enforcement of tip fees. (Ord. 93-821 § 1, 1993; prior code § 36-2-15 (c))

10.20.280 Vehicle requirements—Dumping times.

Any vehicle presented for dumping shall be enclosed at the sides and back or equipped with a tarpaulin or other method established by the director so as to reasonably avoid spilling garbage or waste, disseminating odors, and attracting insects, and the director may estab-

lish such reasonable times when such vehicles may be presented for dumping. (Prior code § 36-2-15 (d))

10.20.285 Private landfills exempt from Sections 10.20.190 through 10.20.280.

Sections 10.20.190 through 10.20.280 shall not apply to any private landfill. (Prior code § 36-2-15 (e))

10.20.287 Tip fees—Construction or demolition waste.

A. Effective May 1, 1998, any person enjoying the privilege of providing temporary or permanent disposal of solid waste generated or collected within the boundaries of the metropolitan government at a site or facility located within the boundaries of the metropolitan government or enjoying the privilege of collecting solid waste within the boundaries of the metropolitan government and disposed of outside the boundaries of the metropolitan government, shall pay to the metropolitan government a fee of one dollar and fifty cents per cubic yard or six dollars per ton of solid waste accepted into the site or facility or collected within the boundaries of the metropolitan government and disposed of outside said boundaries. The director of public works shall be authorized to promulgate rules and regulations for the operation of any such temporary or permanent disposal site or facility, and for the collection and documentation of fees pursuant hereto. Fees charged pursuant to this section shall be imposed on solid waste disposed of at the Nashville Thermal Transfer Plant or at any sanitary landfill or other disposal site owned or operated by the metropolitan government, in addition to the tip fee set out at Metropolitan Code of Laws Section 10.20.200.

B. Any person enjoying the privilege of providing permanent disposal of construction/demolition waste or residue or land clearing waste or residue generated within the boundaries of the metropolitan government shall, if and only if such disposal site is a Class III or Class IV disposal facility as defined by the state Department of Environment and Conservation, pay to the metropolitan government a fee of fifty cents per cubic yard of waste transport vehicle capacity accepted at the site. The director of public works shall be authorized to promulgate rules and regulations for the collection and distribution of such fees, and as necessary to carry out the implementation, supervision and enforcement of such fees.

C. Fees imposed by this section shall not be imposed upon waste which is subject to the fees established at Section 10.20.210. (Amdts. 1 and 2 to Ord. 98-1109 § 1, 1998; Ord. 98-1109 § 1, 1998)

10.20.290 Building debris—Responsibility for removal.

A. Building debris such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair, remodeling or demolition of any building or appurtenances on private property will not be removed by the department of public works, and the owner must cause such materials and waste to be privately moved.

B. Nothing herein shall prohibit the dumping of building debris on landfills operated by the metropolitan government, provided the tip fee, as set out in Section 10.20.200, is paid. (Ord. 93-821 § 1, 1993; prior code § 36-2-16)

10.20.300 Private collection permits.

A. Application. Any person desiring to secure a permit for the private collection of garbage, rubbish or industrial waste, either a licensed private collector or a special private collector, on and after February 1, 1976, shall submit an application therefor to the collector of licenses and privileges who shall immediately forward the application to the director. The application shall contain the following information:

1. Private collector's name, home address, business address and telephone numbers;
2. A list of equipment intended to be used by the private collector within the metropolitan government, including a full description thereof;
3. The date upon which the applicant desires the permit to be issued;
4. Proof of public liability insurance issued by a company authorized to do business in the state of Tennessee in the amounts required by the director of the risk management section;
5. Such other and further information as the director may require.

B. Issuance. Upon verification of the information contained in the application, the director shall issue a permit.

C. Effective Period and Fee. The private garbage collection permit shall be effective for the fiscal year beginning on July 1st until the next ensuing thirtieth day of June on and after which date it shall be null and void. The licensed private collector shall pay an annual fee of twenty-five dollars payable annually in advance. The fee for a special permit issued to a private collector whose sole collection is a location owned by the private collector shall be twenty-five dollars per annum payable annually in advance. The fee levied herein shall be imposed on each individual vehicle hauling rubbish or garbage.

D. Conditions of Issuing Permit. The director may impose conditions upon the issuing of a permit reasonably calculated to eliminate excessive noise, scattering of dust and dirt, scattered materials and similar nuisances and to prevent obstruction of public streets and interference with traffic. The director shall require all vehicles used by commercial haulers and the metropolitan government to meet all safety requirements of the Occupational Safety and Health Act.

E. Hours of Collection and Dumpster Requirements.

1. No person shall empty or remove any containers used for the accumulation or handling of garbage or rubbish between the hours of eleven p.m. and seven a.m. when said containers are located within three hundred feet of any building or structure used for residential purposes. Provided, however, the prohibition of such activity shall not be applicable:

a. To the CC and CF zone districts of metropolitan government; or

b. When specifically permitted by the director of the department of public works.

2. Any dumpster-type containers located within three hundred feet of any building or structure used for residential purposes must contain:

a. On an outside visible surface of the container, a label that includes, in no smaller that one inch tall letters, the following information:

i. The owner of the container;

ii. A telephone number for the owner of the container; and

iii. The telephone number for the metropolitan department of codes administration.

b. Non-metal lids on the top of the containers. (Amdt. 1 with Ord. BL2033-1510 § 1, 2003; Ord. 93-821 § 10, 1993; prior code § 36-2-17)

10.20.310 Nuisance declared when.

It is unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the area of the metropolitan government of garbage or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is declared a public nuisance. (Prior code § 36-2-18)

10.20.320 Dumping permitted in designated places only.

A. It is unlawful for any person to dispose of or cause to be disposed any garbage, rubbish or other waste material upon any property other than a garbage disposal facility or sanitary landfill so designated by the metropolitan government.

B. It is unlawful for any person to dispose of or cause to be disposed any garbage, rubbish or other waste material in any private receptacle other than the person's own private receptacle or unless authorized to do so by the owner of the private receptacle.

C. This section shall not apply to any private landfill. (Prior code § 36-2-20)

10.20.330 Providers of solid waste disposal service—Fees—Other rules.

A. Any person enjoying the privilege of providing temporary or permanent disposal of solid waste pursuant to this chapter shall accept waste from passenger cars disposing of such waste at no charge.

B. Any person enjoying the privilege of providing temporary or permanent disposal of solid waste pursuant to this chapter shall accept waste from private, noncommercial, standard pickup trucks at a fee not to exceed ten dollars per load.

C. In addition to the fees permitted in subsections A and B of this section, any person enjoying the privilege of providing temporary or permanent disposal of solid waste pursuant to this chapter may charge passenger cars or private, noncommercial standard pickup trucks the solid waste disposal fee authorized by Metropolitan Code of Laws Section 10.20.287. Nothing in this section shall remove the obligation of any person enjoying the privilege of providing temporary or permanent disposal of solid waste pursuant to this chapter from remitting the appropriate solid waste disposal fee to the metropolitan government as established in Metropolitan Code of Laws Section 10.20.287. (Ord. 98-1389 § 2, 1998; Ord. 98-1109 § 2, 1998; Ord. 94-1063 § 1, 1994; Ord. 93-821 § 11 (part), 1993)

10.20.331 Calculation of tip fees.

Wherever in this chapter tip fees are set on an alternative basis of weight or volume, the director of public works shall, by regulation, establish which method shall be used for calculation thereof. Wherever in this chapter tip fees are not set on an alternative basis of weight or volume, the director of public works may, by regulation, establish an alternative calculation method utilizing a ratio of 1 ton = 4 cubic yards. (Ord. 93-821 § 12 (part), 1993)

Article III. Urban Services District—Trash Receptacles

10.20.340 Private trash receptacles.

It is unlawful to place any box, barrel or other receptacle for ashes or trash on any sidewalk within the limits

of the fire district; provided, that persons may use a well-secured metal can and place the same, when filled or ready for removal, on the sidewalk or in an open alley, subject to the provisions of this chapter. The can, which shall have a close-fitting metal top, shall at all times be kept clean and neatly painted, with the name of the owner thereon, but nothing else, except as provided in Section 10.20.370, and shall be kept in such a condition that the contents may not fall out. Whenever a can, from long use or otherwise, becomes dangerous to the traveling public or unsightly, the owner thereof shall be required to replace the same with a new, approved can, or remove the same from the sidewalk or alley. (Prior code § 36-2-1)

10.20.350 Public trash receptacles—Purpose—Specifications.

In order to promote the general health of the inhabitants and to aid and assist in cleaning and keeping clean the streets and sidewalks of the urban services district, the mayor is authorized to have placed, on the sidewalks of the urban services district, receptacles for glass, dirt, paper, rubbish, sweepings and other filth, which receptacles shall be made of metal, of a uniform design and approved by the mayor. (Prior code § 36-2-2)

10.20.360 Public trash receptacles—Location.

The receptacles authorized in Section 10.20.350 shall be so located on the sidewalks as not to interfere with their free use by pedestrians, at places to be designated by the mayor. (Prior code § 36-2-3)

10.20.370 Public trash receptacles—Maintenance contracts—Advertising.

The mayor is authorized to enter into a contract, under the most favorable terms to the metropolitan government which he can secure for placing and maintaining on the streets the receptacles authorized in Section 10.20.350, and he is authorized to allow the painting on such receptacles of advertisements of any legitimate business under the laws of the United States and this state and ordinances of the metropolitan government. The contract shall contain a reservation that same may be canceled by action of the metropolitan council upon thirty days' written notice at any time after six months from the date of the contract, without further obligation or liability on the part of the metropolitan government. (Prior code § 36-2-4)

10.20.380 Public trash receptacles—Bond required.

Any person entering into a contract with the metropolitan government for furnishing and maintaining the receptacles authorized in Section 10.20.350 shall execute a bond for two thousand five hundred dollars, payable to the metropolitan government, secured by a regularly incorporated surety or indemnity company authorized to do business in the state, and conditioned that such person shall faithfully perform all the conditions and requirements of the contract and shall save the metropolitan government harmless from all liabilities arising out of or in any way connected with the existence of such receptacles upon the streets. (Prior code § 36-2-5)

10.20.390 Prohibited on sidewalks when—Boundary limits.

Except as otherwise provided, it is unlawful for any person to place any vessel or other receptacle containing ashes, refuse matter, sweepings or trash on any sidewalk between seven a.m. and six p.m., within the following boundaries:

Beginning at the southeast corner of Broadway and First Avenue; thence north along the east side of First Avenue to the northeast corner of the Public Square; thence west along the north side of the Public Square to the northeast corner of the Public Square and Third Avenue; thence north along the east side of Third Avenue to the northeast corner of Third Avenue and Jo Johnston Avenue; thence west along the north side of Jo Johnston Avenue to the northwest corner of Jo Johnston Avenue and Fifth Avenue; thence south along the west side of Fifth Avenue to the northwest corner of Fifth Avenue and Cedar Street; thence west along the north side of Cedar Street to the northwest corner of Cedar Street and Eighth Avenue; thence south along the west side of Eighth Avenue to the northwest corner of Eighth Avenue and Church Street; thence west along the north side of Church Street to the northwest corner of Ninth Avenue; thence south along the west side of Ninth Avenue to the northwest corner of Broadway and Ninth Avenue; thence west along the north side of Broadway to the east end of the Broadway viaduct; thence south along the west side of Tenth Avenue to the south side of Lea Avenue; thence across Lea Avenue to the east side thereof; thence north along the east side of Tenth Avenue to the southeast corner of Broadway and Tenth Avenue; and thence east along the south side of Broadway back to the beginning point. (Prior code § 36-2-6)

Article IV. Urban Services District—Receptacles Placed by Optimist Club

10.20.400 Specifications and locations.

The Optimist Club is authorized to place not more than fifty trash receptacles, with a base of not less than twenty-four inches and not more than thirty inches and with a height of not more than sixty inches, at convenient locations on the sidewalks of the urban services district. The locations of such receptacles in all instances shall be approved by the director of public works. Such trash receptacles shall be placed and maintained without charge to the metropolitan government; provided, that collections from these trash receptacles shall be made by the department of public works. (Prior code § 36-2-23)

10.20.410 Bond required.

The Optimist Club shall, in consideration of the granting of this permit to place trash receptacles on the sidewalks, execute a bond in the sum of twenty-five thousand dollars or secure and place with the metropolitan clerk a suitable liability insurance policy with a corporate company doing business in the state with the face value of twenty-five thousand dollars wherein the metropolitan government is named an insured in the policy. The purpose and condition of such bond or insurance policy shall be to save the metropolitan government harmless from any liability because of any injury sustained by any person, directly or indirectly, in connection with the placement, use or maintenance of such trash receptacles. (Prior code § 36-2-24)

10.20.420 Advertising by club.

The Optimist Club reserves the right to place on the trash receptacles the name of its club or its advertising sponsors. (Prior code § 36-2-25)

10.20.430 Business use prohibited.

Trash receptacles placed pursuant to this article are permitted and authorized for the convenience and protection of the public in using the streets and sidewalks, and it is unlawful for any person to use such trash receptacles for the purpose of storing or collecting trash or refuse from his business establishment. (Prior code § 36-2-26)

Article V. Annual Report.

10.20.500 Waste management plan report.

A. Beginning August 31, 2002, and annually thereafter, the metropolitan department of public works, together with the department of finance and the health department, shall file a report with the metropolitan county council providing progress on the implementation of the waste management plan of the metropolitan government. The department of public works shall compile such information not only from the metropolitan government departments and agencies, but also request and compile from state and federal agencies to the extent necessary and possible. All metropolitan agencies and contractors of the metropolitan government shall provide all information to the department of public works to assist in the creation of the annual report on the waste management plan.

B. The annual report shall be annually presented to the metro council. Notices of the presentation will be sent to customers of the district energy system, members of the media, known environmental groups including but not limited to the Sierra Club, Recycle Nashville, BURNT, RAM, Tennessee Conservation Voters, Tennessee Conservation League, and Cumberland Region Tomorrow. Entities fulfilling contracts with metro related to the waste management plan should also be notified including but not limited to the operator of the district energy system, contracted waste haulers, and the recycling hauler and processor. Metropolitan department of public works shall organize this annual presentation with the assistance of staff in the office of the metro council.

C. The annual report will use 2001 as the base year of comparison for all information requested and shall report requested data for the base year, the current year, and the previous three years to the extent possible. To the extent possible, footnote all formulae used in calculating information provided in the report. The annual report shall contain, but is not limited to, the following information:

1. Recycling:

a. Percent of households in the urban services district participating in curbside recycling annually;

b. Percent of commercial and residential waste recycled (not including the diversion of waste from one class of landfill to another); and

c. Tons dropped off at each recycling drop-off and convenience center annually.

2. Composting:

a. Tons composted annually commercially and residentially in the area of metropolitan government; and

b. Describe Metropolitan Government's composting efforts, costs, participation, and diversion from landfilling.

3. Education:

a. Breakdown of expenditures for education related to the waste management plan;

b. Explanation of the modes of education used; and

c. Number of individuals reached through education.

4. Waste hauling and disposal:

a. Tons of commercial waste landfilled in Davidson County and out of Davidson County annually; and

b. Tons of residential waste Davidson County landfilled in Davidson County and out of Davidson County from the urban services district and from the general services district annually.

5. Household Hazardous Waste:

a. Amount of household hazardous waste diverted from landfills for:

i. Electronics/computers;

ii. Batteries, paint, oil, and other chemicals;

iii. Antifreeze;

iv. Waste tires;

v. Other.

6. Landfill diversion:

a. Describe metropolitan government's efforts to divert more household hazardous waste from landfills;

b. Describe metropolitan government's efforts to divert more residential waste from landfills; and

c. Describe other efforts by the metropolitan government to divert more commercial waste from landfills.

7. District energy system:

a. Performance guarantees contained within metro's contract with the contractor for the design, construction, improvement, operation and management of the district energy system;

b. The number of customers served by the central district energy system;

c. Amount of time that service to the customers has been interrupted and the reason for each interruption;

d. The number of Nashville Thermal employees hired and still employed by metro or with the central district energy distribution plant or its operations contractor; and

e. The number and description of OSHA reportable accidents and lost time accidents that have occurred within the central district energy distribution system.

8. Environmental compliance:

a. Nashville's air quality according to the National Ambient Air Quality Standards, including a breakdown of major contaminants and causes of pollution;

b. Number and type of environmental violations for:

i. Trash collection by contractor or by the metropolitan government.

ii. Recycling contractor;

iii. Ash disposal contractor;

iv. Waste disposal/landfilling, including noncompliance with groundwater regulations;

v. Thermal plant and/or the central district energy distribution system, including noncompliance with water discharge regulations or air quality regulations; and

vi. Estimated additional vehicle miles traveled with increase in metro solid waste out of county hauling of residential trash.

9. Finances:

a. Provide the annual costs for:

i. Residential trash collection, including cost of new trucks and containers;

ii. Commercial trash collection;

iii. Curbside recycling collection, including cost of new trucks and containers;

iv. Operation, disposal and collection of recycling drop offs and convenience centers;

v. Transfer and disposal costs;

vi. Transfer and disposal costs of thermal ash;

vii. Full cost of thermal operations;

viii Full cost of operating the central district energy distribution system;

ix. Metropolitan government's, the state of Tennessee, and the aggregate of private customers heating and cooling costs annually;

x. The amount paid by metro as the additional system capacity charge according to Annex C, Section B.1. of the service agreement between metro and the customers;

xi. Annual cost of maintaining the energy distribution system above the one hundred fifty thousand dollar allowance provided by contractor and an explanation of the amount expended.

b. Annual revenue received from:

i. The sale of paper, aluminum, and other recyclables;

ii. Tipping fees;

iii. Customers of the central district energy distribution system;

iv. Waste generation fee;

v. Other.

10. Contract compliance:

a. Number and type of contract violations for:

i. Trash pickup by contractor or by the metropolitan government;

ii. Recycling contractor;

iii. Ash disposal contractor waste disposal/landfilling;

iv. Thermal plant and/or the central district energy distribution system.

11. Minority/women participation:

a. Number and percent of employees who are minorities/women for each contractor of metro involved in the plan; and

b. Number of minority/women-owned business enterprises that have contractual relationships with the waste management plan. (Ord. 2002-931 § 1, 2002)

Chapter 10.24
LITTERING

Sections:

10.24.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

"Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in Article III of Chapter 10.20 (refuse collection system ordinance).

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

1. Which advertises for sale any merchandise, product, commodity or thing;
2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit;
4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Litter" means "garbage," "refuse" and "rubbish" as defined in this section and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

"Noncommercial handbill" means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper as set out in this section.

"Park" means a park, reservation, playground, beach, recreation center or any other public area in the area of the metropolitan government, owned or used by the area of the metropolitan government and devoted to active or passive recreation.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited

or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

"Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. 90-1339 § 1 (36-1), 1990; prior code § 36-1-3)

10.24.020 Posting notices prohibited when.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public to any public lamppost, public utility pole or public shade tree, or upon any public structure or building, except as may be authorized or required by law. (Prior code § 36-1-17)

10.24.030 Handbills—Distribution in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the area of metropolitan government. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it is not unlawful on any sidewalk, street, or other public place within the area of metropolitan government for any person to hand out or distribute, without charge to the receiver thereof, any commercial or noncommercial handbill to any person willing to accept it. (Ord. 90-1339 § 1 (36-2), 1990; prior code § 36-1-12)

10.24.040 Handbills—Distribution on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it is not unlawful in any public place for a person to hand out or distribute to the receiver thereof, a commercial or noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. 90-1339 § 1 (36-3), 1990; prior code § 36-1-13)

10.24.050 Litter on business premises—Responsibilities of owners.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the area of metropolitan government the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the area of metropolitan government shall keep the sidewalk in front of their business premises free of litter. (Prior code § 36-1-7)

10.24.060 Litter on public places—Responsibilities of citizens.

No person shall sweep into or deposit in any gutter, street, or any other public place within the area of metropolitan government, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Prior code § 36-1-6)

10.24.070 Litter on private property—Responsibilities of owners.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Prior code § 36-1-19)

10.24.080 Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the area of metropolitan government, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Prior code § 36-1-18)

10.24.090 Notice to remove litter—Failure to comply.

A. Notice to Remove Litter. The metropolitan director of health, or his duly authorized agent, is authorized and empowered to notify the owner of any open or vacant private property within the area of metropolitan government or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice

shall be by registered mail, addressed to the owner at his last known address.

B. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within ten days after receipt of written notice provided for in subsection A of this section, or within fifteen days after the date of such notice the owner of the property shall be deemed in violation of this section and subject to fine as provided herein. (Prior code § 36-1-21)

10.24.100 Litter permitted in designated places only.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the area of metropolitan government except in public receptacles, in authorized private receptacles for collection, or in official metropolitan landfills or dumps. (Prior code § 36-1-4)

10.24.110 Proper placement in receptacles required.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Prior code § 36-1-5)

10.24.120 Litter in parks.

No person shall throw or deposit litter in any park within the area of metropolitan government except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Prior code § 36-1-10)

10.24.130 Litter in bodies of water.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the area of metropolitan government. (Prior code § 36-1-11)

10.24.140 Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the area of metropolitan government whether owned by such person or not. (Prior code § 36-1-20)

10.24.150 Litter from vehicles—Liability of drivers.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the area of metropolitan government, or upon private property. The driver of a vehicle from which litter is thrown shall be deemed prima facie liable for any litter thrown from the vehicle. (Prior code § 36-1-8)

10.24.160 Litter from vehicle loads and tires.

No person shall drive or move any truck or other vehicle within the area of metropolitan government unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the area of metropolitan government, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind, sufficient in amount to create a danger to the public in this full utilization of such street, alley or other public place. (Prior code § 36-1-9)

10.24.170 Litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the area of metropolitan government any litter, handbill or any other object. (Prior code § 36-1-16)

Chapter 10.26

HIGH WEEDS AND DEBRIS

Sections:

10.26.010 High weeds and debris.

A. All premises and exterior property shall be maintained free from weeds in excess of twelve inches so as not to endanger the health, safety, and welfare of the citizens of the metropolitan government. “Weeds” shall be defined as all grasses, annual plants and vegetation, other than ornamental grasses, trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. Properties in a natural state may be allowed if an intentional design for vegetative growth is on file with the metropolitan beautification commission, provided there is a fifteen feet setback from the front property line and a ten feet setback from any adjacent residential property line. All government-owned greenways,

parks, and recreation areas shall be exempt for the provisions of the section.

B. No owner or occupant shall permit the accumulation of debris, trash, litter or garbage, or any combination of those elements on exterior property or premises; such condition is declared to be a public nuisance and a danger to the public health, safety, and welfare. (Ord. BL2005-505 § 1, 2005)

Chapter 10.28

CONTROL OF EXCESSIVE VEGETATION

Sections:

10.28.010 Excessive growth and accumulation prohibited.

A. All premises and exterior property shall be maintained free from weeds in excess of twelve inches so as not to endanger the health, safety, and welfare of the citizens of the metropolitan government. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than ornamental grasses, trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. Properties in a natural state may be allowed if an intentional design for vegetative growth is on file with the metropolitan beautification commission, provided there is a fifteen feet setback from the front property line and a ten feet setback from any adjacent residential property line. All government-owned greenways, parks, and recreation areas shall be exempt for the provisions of the section.

B. No owner or occupant shall permit the accumulation of debris, trash, litter or garbage, or any combination of those elements on exterior property or premises; such condition is declared to be a public nuisance and a danger to the public health, safety, and welfare. (Ord. BL2005-505 § 2, 2005: Amdt. 1 with Ord. 2002-1023 § 1, 2002; Prior code § 36-1-23 (a))

10.28.020 Vegetation control board.

There is created an administrative body to be known as the vegetation control board, made up of five members, at least one of whom shall be licensed to practice law in Tennessee, at least one of whom shall be an African-American and one of whom shall be a female, provided, however, an African-American female shall not satisfy the requirements of one African-American and one female, appointed by the mayor, which appointment shall be confirmed by the council. Each member shall serve for a term of four years; provided, however, on the initial appointment of the vegetation control board, two members shall be appointed for a term of four years, one member shall be appointed for a term of three years, one member shall be appointed for a term of two years, and one member shall be appointed for a term of one year. All members shall serve without compensation and may be removed from the board by the mayor for just cause, including prolonged absence from meetings. (Amdt. 1 to Ord. 93-884, 3/15/94; Ord. 93-884 § 1, 1994; prior code § 36-1-23(c))

10.28.030 Metropolitan beautification and environment commission.

A. The metropolitan beautification and environment commission is designated, pursuant to Title 6, Chapter 54, Part 1, of the Tennessee Code Annotated, as the appropriate entity to administer and enforce this chapter.

B. The metropolitan beautification and environment commission may adopt rules and regulations necessary for the administration and enforcement of this chapter, making due provision for a hearing upon request of a person aggrieved by any determination made thereunder.

C. The metropolitan beautification and environment commission is authorized to notify the department of health and/or the department of codes administration of alleged violations of this chapter. The department of health and/or the department of codes administration are authorized to investigate any alleged violations of this chapter, and submit a report of any violation of this chapter to the metropolitan beautification and environment commission for further action pursuant to this chapter. (Ord. 97-829 § 1 (part), 1997; prior code § 36-1-23(b), (d), (e))

10.28.040 Exceptions.

The provisions of this chapter shall not apply to any parcel of property upon which an owner-occupied residence is located. (Prior code § 36-1-29)

10.28.050 Notice of violation.

A. At any time the metropolitan beautification and environment commission is advised by the department of health and the department of codes administration that the provisions of Section 10.28.010 are being violated or that the conditions prohibited therein exist, it shall, through its director or other representative, give notice to the owner of record to immediately remedy the violation.

B. The notice shall:

1. Be given by United States mail, addressed to the last known address of the owner of record;

2. Be written in plain language and include:

a. A brief statement of the law, including the consequences of failing to remedy the violation or condition,

b. The person, office, address and telephone number of the administrative official giving notice,

c. An estimate of the cost of remedying the violation based upon customary community standards,

d. A statement that the owner may appeal the decision to the vegetation control board and the means by which such an appeal must be initiated. (Ord. 97-829 § 1 (part), 1997; prior code § 36-1-24)

10.28.060 Failure to comply—Remedy by metropolitan beautification and environment commission.

A. After ten days from the date of the notice prescribed in Section 10.28.050, if the condition has not been remedied and no appeal initiated, the metropolitan beautification and environment commission shall notify the department of public works to immediately remedy and remove or cause to be remedied and removed the violations or conditions at a cost in accord with fair and reasonable community standards. Provided, however, if the owner of record of the lot is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period of the first sentence of this subsection shall be twenty days, excluding Saturdays, Sundays and legal holidays.

B. The department of public works is authorized to clear the lots found to be in violation of Section 10.28.010 and charge a reasonable fee therefor, or to refer any such lots to a private contractor or contractors, duly selected by the purchasing agent pursuant to Sections 2.24.280 through 2.24.360. The costs of utilizing such private contractor or contractors shall be reimbursed from a special revolving account established for this purpose. The funds recovered, pursuant to subsection C of this section, shall be deposited into such special revolving account, in addition to any funds appropriated to this special revolving account by the metropolitan county council. The director of the department of public works is authorized to transfer necessary funds from his operating funds to the special revolving account established by this subsection. The department of public works shall notify the metropolitan beautification and environment commission of the completion of the clearing of any lot by the department of public works and/or a private contractor or contractors.

C. The metropolitan beautification and environment commission shall, within sixty days of the receipt of the notification from the department of public works of the remedying and removal of the violation or condition, submit to the metropolitan trustee a statement of the cost. The metropolitan beautification and environment commission is authorized to and shall record a lien against the property in the register's office of Davidson County on or before the date that the statement of costs is submitted to the metropolitan trustee. Any lien so recorded shall be released by payment thereof in full, or by operation of the laws of Tennessee and/or the United States or by vote of the vegetation control board based upon a showing of substantial hardship and that release of the lien created under this section will not obstruct or materially impede the purposes of this chapter.

D. Any person failing to take the required remedial action under subsection A of this section shall be in violation of this chapter and shall be subject to a fine of up to fifty dollars, with each day constituting a separate violation. Provided, however, such fines may not exceed a total of two hundred fifty dollars on any one lot. Nothing in this subsection shall be construed to adversely affect the remedies stated elsewhere in this section, the remedy stated herein being cumulative in nature. (Ord. 97-829 § 1 (part), 1997; Ord. 93-884 § 2, 1994; Amdt. 1 to Ord. 92-440, 10/20/92; Ord. 92-440 § 1, 1992; prior code § 36-1-25)

10.28.070 Appeals to vegetation control board.

A. Any owner of record aggrieved by the determination of the metropolitan beautification and environment commission made pursuant to Section 10.28.050 (A) may appeal to the vegetation control board within ten days of receipt of the notice; failure to appear within the specified time period shall without exception constitute waiver of the right of appeal.

B. The vegetation control board shall adopt procedural rules for the conduct of hearings before it in accordance with Chapter 5 of Title 4 of the Tennessee Code Annotated.

C. If the board determines (1) that the metropolitan beautification and environment commission correctly found a violation, an order so finding shall be entered and a copy sent to the metropolitan trustee and the record owner; (2) that the metropolitan beautification and environment commission incorrectly found a violation, an order so finding shall be entered and a copy sent to the record owner.

D. The vegetation control board shall also have the authority to hear appeals from decisions of the urban forester regarding the designation and removal of hazard trees, tree permits relating to public trees, and permits for arborists. (Ord. 97-827 § 1 (part), 1997; Ord. 93-884 § 3, 1994; prior code § 36-1-26)

10.28.080 Collection of costs.

The metropolitan trustee shall, upon receipt of a lien and a statement of costs, make an appropriate notation in the files and collect the costs in the same manner as the taxes are collected. (Prior code § 36-1-27)

10.28.090 Right of court appeal.

Any person aggrieved by an order or other action of the vegetation control board may appeal to a court of competent jurisdiction as provided for under the law of the state of Tennessee. (Prior code § 36-1-28)

Chapter 10.32
RODENTS, INSECTS AND OTHER PESTS

Sections:

10.32.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Business building" means any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering a professional service, for amusement, for the display, sale or storage of goods, wares or merchandise or for the performance of work or labor, including hotels, apartment buildings, tenement houses, roominghouses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all outhouses, sheds, barns and other structures or premises used for business purposes.

"Chief medical director" means the chief administrative officer of the board of health or his designated representative. "Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities.

"Eradication" means the elimination or extermination of rodents or insects and other pests from any building, lot, premises or commercial vehicle through the use of traps, poisons, fumigation or any other method of extermination.

"Harborage" means any condition which provides shelter or protection for rodents or insects and other pests.

"Insects and other pests" means the members of class Insecta and such members of the phylum Arthropoda as spiders, mites, ticks, centipedes and wood lice.

"Occupant" means the person who has the use of or occupies any business building or a part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibility of an occupant of a building.

"Owner" means the actual owner of the business building, whether individual, partnership or corporation, or the agent of the building or other person having custody of the building or to whom rent is paid.

"Ratproofing" means a form of construction to prevent the ingress of rats into business buildings from the exterior or from one business building or establishment to another. It consists of rendering all actual or potential openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material impervious to rat-gnawing. (Prior code §§ 20-1-1 (part), 20-1-166)

10.32.020 Ratproofed business buildings required.

All business buildings in the metropolitan government area shall be ratproofed, freed of rats and maintained in a ratproof and rat-free condition under the direction and supervision of the chief medical director. (Prior code § 20-1-167)

10.32.030 Buildings in which foodstuffs are stored.

It is unlawful for any person to occupy any building or structure wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale without complying with the ratproof regulations prescribed in this chapter for existing buildings and structures. (Prior code § 20-1-174)

10.32.040 Inspection prior to issuance of license.

No license shall be issued by the metropolitan government for the operation of any new businesses listed in Section 10.32.030 or to operate any such business in a new location until the building where such business is to be located or operated has been inspected and found by the chief medical director or his authorized representative to comply with the provisions of this chapter. (Prior code § 20-1-175)

10.32.050 Inspection authority—Abatement notice.

A. The chief medical director or authorized personnel of the department of health are empowered to make such unannounced inspections of the interior and exterior of business buildings as, in their opinion, may be necessary to determine such compliance with this chapter.

B. When any evidence is found indicating the presence of rats or openings through which rats may enter business buildings, the chief medical director or authorized personnel of the department of health shall serve the owners or occupants with notice or orders to abate the conditions found. (Prior code § 20-1-171)

10.32.060 Ratproofing measures—Compliance required.

Upon receipt of written notice or order signed by the chief medical director, the owner of any business building specified therein shall take immediate measures for ratproofing the building. Unless such work and improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen days, or within the time to which a written extension may have been granted by the chief medical director, the owner shall be deemed guilty of a violation of this code. (Prior code § 20-1-168)

10.32.070 Rat eradication measures—Compliance required.

Whenever the chief medical director notifies the occupant of a business building that there is evidence of rat infestation of the building, the occupant shall immediately institute rat eradication measures, and shall continuously maintain such measures in a satisfactory manner until the premises are rat-free or the chief medical director advises that there is no evidence of rat infestation. Unless such measures are taken within seven days after receipt of notice, the occupant of the business building shall be guilty of a violation of this code. (Prior code § 20-1-169)

10.32.080 Eliminating rat harborage areas—Floor construction requirements.

Whenever conditions inside or outside business buildings provide extensive rat harborage, the chief medical director or authorized personnel of the department of health may require the owner to install suitable cement floors in basements, or to replace wooden first or ground floors, or require the owner or occupant to correct such rat harborage as maybe necessary in order to facilitate rat eradication in a reasonable time. (Prior code § 20-1-172)

10.32.090 Maintenance of ratproofed buildings.

The occupants of all ratproofed business buildings shall maintain the premises in a ratproof condition, and repair all breaks or leaks that may occur in the ratproofing, unless such breaks or leaks develop as the result of natural deterioration of the building. (Prior code § 20-1-170)

10.32.100 Removal of ratproofing prohibited.

It is unlawful for the occupant or owner or any contractor, public utility company, plumber or other person to remove the ratproofing from any business building for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats. (Prior code § 20-1-173)

10.32.110 Storage of animal feed.

All food and feed kept for feeding chickens, cows, pigs, horses and other animals shall be kept and stored in rat-free and ratproof containers, compartments or rooms, unless kept in a ratproof building. (Prior code § 20-1-176)

10.32.120 Storage and disposal of garbage.

All garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed and all small dead animals shall be placed and stored, until collected, in covered metal containers of a type prescribed by the

department of public works. It is unlawful for any person to dump or place on any premises, land or waterway any dead animals or waste vegetable or animal matter of any kind. (Prior code § 20-1-177)

10.32.130 Accumulation of garbage.

It is unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or premises so that same shall or may afford food or harborage for rats. (Prior code § 20-1-178)

10.32.140 Accumulation of building materials.

It is unlawful for any person to permit to accumulate on any premises, improved or vacant, and on any open lot or alley, any lumber, boxes, barrels, bricks, stones or other similar materials that may be permitted to remain thereon, unless the same shall be evenly piled or stacked, so that these materials shall not afford harborage for rats. (Prior code § 20-1-179)

10.32.150 Quarantine of premises.

In order to minimize human infection by rats, the chief medical director is authorized to declare that any premises shall be quarantined until the owner, tenant or other person in control of the premises shall have fully complied with any action with reference to such premises required by the chief medical director to accomplish this purpose. (Prior code § 20-1-180)

10.32.160 Removing stagnant water.

A. The chief medical director may order the person in control of any marsh, inland swamp, sunken lot, property below grade, excavation or any other place where stagnant water may collect to fill in or drain the same and take other adequate measures to prevent the breeding or harborage of insects, rodents and other pests.

B. The chief medical director may order the person in ownership or control of any property or facility storing tires where stagnant water may collect to eliminate the collection of water in the tires and employ other adequate measures to prevent the breeding or harborage of insects, rodents and other pests. (Amdt. 1 with Ord. 2002-1122 § 1, 2002; Prior code § 20-1-181)

10.32.170 Responsibilities of owners—Failure to comply.

Orders of the chief medical director pursuant to this chapter shall be executed by the owner, tenant or person in control of the premises at his or their expense, or the metropolitan government may carry out such sanitary activities and charge the expense of same to the owner, at the option of the chief medical director; provided, that unless otherwise specified in this chapter, the owner, tenant or person in control of the premises shall, after the serving of the order upon him, be given five days within which to comply with the orders of the chief medical director, and in case, in the opinion of the chief medical director, five days is not sufficient, the chief medical director may extend the time not to exceed seven additional days. (Prior code § 20-1-182)

Chapter 10.36
HOUSING SANITATION

Sections:

10.36.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. (Prior code § 20-1-1 (part))

10.36.020 Sanitation requirements—Abatement notice.

Every dwelling and every part thereof shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and shall be kept free from vermin or rodent infestation. All yards, lawns and courts shall be similarly kept clean and free from rodent infestation. It shall be the duty of each occupant of a dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has control. If the occupant shall fail to keep his portion of the property clean, the chief medical director may send a written notice to the occupant to abate such nuisance within the time specified in such notice; provided, that when, in the opinion of the chief medical director, such nuisance constitutes an actual menace to health, he shall proceed forthwith to cause such nuisance to be abated. Failure of the occupant to comply with such notice shall

constitute a violation of this code. (Prior code § 20-1-141)

10.36.030 Vacation of buildings.

Whenever it is found by the chief medical director that the remedies available to the agency of the metropolitan government having primary responsibility in the field of housing are inadequate to protect an existing or threatened menace to the public health, and that a dwelling is unfit for human habitation or dangerous to life or health by reason of the existence on the premises of any condition likely to cause sickness or injury among the occupants of such dwelling, or for any other causes affecting the public health, the chief medical director may issue an order requiring such dwelling to be vacated. A copy of such order shall be posted on the front of the dwelling at least ten days before it shall be effective, unless the situation is of a character requiring immediate action, in which case the effective time of the order shall be such as, in the judgment of the chief medical director, is reasonable and proper. A copy of such order shall be sent to the owner of the property or his agent, if such names and addresses, on diligent search, can be ascertained. The dwelling so ordered to be vacated shall not again be occupied until a written statement has been secured from the chief medical director, showing the dwelling or its occupation has been made to comply with this or any other existing law. It shall be unlawful for any person to violate such order of the chief medical director. (Prior code § 20-1-142)

10.36.040 Deemed owners—Compliance required.

Whenever any person shall be in actual possession or have charge, care or control of any property within the metropolitan government area as executor, administrator, trustee, guardian or agent, such person shall be deemed and taken to be the owner of such property within the true intent and meaning of this chapter, and shall be bound to comply with the provisions of this chapter to the same extent as the owner, and notice to any such person of any order or decision of the chief medical director or the board of health shall be deemed to be a good and sufficient notice, as if such person were actually the owner of such property. (Prior code § 20-1-143)

Chapter 10.40
TRAILER COURTS

Sections:

10.40.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities.

"Dependent trailer coach" means a trailer coach which does not have a toilet and a bathtub or shower.

"Independent trailer coach" means a trailer coach that has a toilet and a bathtub or shower.

"Service building" means a building housing toilet facilities for men and women, with slop-water closet and laundry facilities and with separate bath or shower accommodations.

"Trailer coach" means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways, duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons; provided, that this definition shall not include transport trucks or vans equipped with sleeping space for a driver.

"Trailer coach space" means a plot of ground within a trailer court, designated for the accommodation of one trailer coach.

"Trailer court" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located. (Prior code §§ 20-1-1 (part), 20-1-144)

10.40.020 Permits.

No place or site within the metropolitan government area shall be established or maintained by any person as a trailer court unless he holds a valid permit issued by the director of the department of codes administration and the chief medical director in the name of such person for the specific trailer court. The chief medical director is authorized to suspend or revoke permits in accordance with the provisions of this chapter and any rules or regulations adopted by the board of health. (Prior code § 20-1-145)

10.40.030 Inspection authority—Right of entry.

A. The chief medical director is authorized and directed to make inspections to determine the condition of trailer courts, in order that he may perform his duty of safeguarding the health and safety of occupants of trailer courts and of the general public.

B. The chief medical director shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions, relating to the enforcement of this chapter or of regulations promulgated by the board of health. (Prior code § 20-1-146)

10.40.040 Location and planning.

Each trailer court shall be located on a well-drained site, shall be located so that its drainage will not endanger any water supply and shall be in conformity with the plan approved by the chief medical director. The chief medical director may promulgate regulations for trailer court locations and plan approval, which shall provide for adequate drainage, space, lighting, safety, service buildings and other facilities necessary to protect the public health and prevent nuisances. (Prior code § 20-1-147)

10.40.050 Service buildings.

A. Each trailer court that accepts a dependent trailer coach for parking shall be provided with one or more service buildings, adequately equipped with flush-type toilet fixtures. No service building shall contain less than one toilet for women, one toilet for males, one lavatory and shower for each sex, one laundry tray and one slop-water closet. Dependent trailer coaches shall be parked not more than two hundred feet from the service building.

B. Service buildings shall:

1. Be located fifteen feet or more from any trailer-coach space;

2. Be of permanent construction and be adequately lighted;

3. Be of moisture-resistant material, to permit frequent washing and cleaning;

4. Have sufficient toilet and laundry facilities, according to requirements promulgated by the chief medical director, to serve adequately males and females;

5. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit during cold weather, and to supply a minimum of three gallons of hot water per hour, per coach space, during the time of peak demand;

6. Have all rooms well ventilated, with all openings effectively screened;

7. Have at least one slop-water closet, supplied with hot and cold water, in a separate room. (Prior code § 20-1-148)

10.40.060 Additions to trailers—Parking restrictions.

No permanent additions of any kind shall be built onto or become a part of any trailer coach. Skirting of coaches is permissible, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents or create a fire hazard. The wheels of the coach shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked and occupied. (Prior code § 20-1-157)

10.40.070 Water supply.

An accessible, adequate, safe and potable supply of water shall be provided in each trailer court, capable of furnishing a minimum of one hundred twenty-five gallons per day per trailer coach space. Where a public supply of water of such quality is available, connections shall be made thereto, and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the chief medical director. (Prior code § 20-1-149)

10.40.080 Sewage disposal.

Trailer courts shall be served by a public sewer system, if available, or by a private disposal system which has the approval of the chief medical director, if a public sewer system is not available. Each trailer coach space shall be provided with a satisfactory sewer connection. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as

not to create a nuisance or health hazard. (Prior code § 20-1-151)

10.40.090 Plumbing.

All plumbing in the trailer court shall comply with all state and local plumbing laws and regulations. (Prior code § 20-1-150)

10.40.100 Electrical outlets and power lines.

An electrical outlet supplying at least one hundred ten volts shall be provided for each trailer coach space. The installation shall comply with all state and local electrical codes and ordinances. Such electrical outlet shall be weatherproof. No power line shall be permitted to lie on the ground or to be suspended less than eighteen feet above the ground. (Prior code § 20-1-154)

10.40.110 Liquefied petroleum gas.

Liquefied petroleum gas for cooking purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a trailer coach, nor within five feet of a door thereof. (Prior code § 20-1-155)

10.40.120 Fire prevention.

The trailer court area shall be subject to rules and regulations of the fire prevention authorities having jurisdiction. (Prior code § 20-1-156)

10.40.130 Refuse storage, collection and disposal.

The storage, collection and disposal of refuse in a trailer court shall be managed so as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodentproof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided, and shall be located not more than one hundred fifty feet from any trailer coach space. Garbage shall be collected and disposed of in an approved manner at least twice per week. (Prior code § 20-1-152)

10.40.140 Insect and rodent control measures.

Insect and rodent control measures to safeguard public health, as established by the chief medical director, shall be applied in each trailer court. The trailer court shall be kept free of rubbish, and shall be maintained in a satisfactory condition at all times. All harborage places for rodents or hosts of insect vectors shall be eliminated. All breeding places for flies and mosquitoes shall be eliminated or effectively treated. (Prior code § 20-1-153)

10.40.150 Communicable or contagious diseases.

Every owner, operator, attendant or other person operating a trailer court shall notify the chief medical director immediately of any suspected communicable or contagious disease within the trailer court. In the case of diseases diagnosed by a physician as quarantinable, such owner, operator, attendant or other person operating the trailer court shall not permit the departure of a trailer coach or its occupants or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the chief medical director. (Prior code § 20-1-158)

10.40.160 Register of coaches and occupants.

A. Every trailer court owner or operator shall maintain a register containing a record of all trailer coaches and the occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the chief medical director.

B. Such register shall contain:

1. The names and addresses of all trailer coach occupants stopping in the court;

2. The make, model and license number of each motor vehicle and trailer coach;

3. The state, territory or county issuing the trailer license;

4. The dates of arrival and departure of each trailer coach. (Prior code § 20-1-159)

Chapter 10.44
MASS GATHERINGS

Sections:

10.44.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities.

"Drinking water" means water provided or used for human consumption or for lavatory or culinary purposes.

"Food service establishment" means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes but is not limited to restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places manufacturing, wholesaling or retailing sandwiches or salads, soda fountains, institutions, both public and private, food carts, itinerant restaurants, industrial cafeterias, catering establishments, food vending machines and vehicles and operations connected therewith and similar facilities by whatever name called.

"Health authority" means the metropolitan board of health.

"Mass gathering" means any event likely to attract three thousand or more persons and to continue for twelve or more hours.

"Metropolitan board of health" means the metropolitan board of health as established in Article 10 of the Charter.

"Permit" means authorization granted to a person by the health authority to operate a mass gathering.

"Person" means the state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision or public or private corporation.

"Sewage" means human, domestic or animal wastes from residences, buildings, commercial and industrial establishments, institutions and other structures and shall include bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes together with water or other liquid wastes that may be present.

"Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities.

"Toilet" means a structure used for the sanitary disposal or storage of human wastes without the aid of water carriage. Included with the scope of this definition are vault privies, chemical privies and portable privies, but pit privies are expressly excluded from this definition. (Prior code §§ 20-1-1 (part), 20-1-226)

10.44.020 Bond required.

The operator of a mass gathering shall provide a performance bond of fifty thousand dollars, and five thousand dollars additional for each five thousand persons or fraction thereof likely to attend to guarantee full compliance with the provisions of this chapter and other applicable laws and regulations. The bond shall also cover cleanup of the site and compliance with all provisions of public health laws and regulations. (Prior code § 20-1-227)

10.44.030 Permit required—Application.

A. No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the health authority.

B. Application for a permit to promote or hold a mass gathering shall be made to the permit issuing official on a form and in a manner prescribed by the director of health by the person who will promote or hold the mass gathering. Application for a permit to promote or hold the mass gathering shall be made at least fifteen days before the first day of advertising and at least forty-five days before the first day of the gathering. Water and sewage facilities shall be constructed and operational not later than forty-eight hours before the first day of the mass gathering. The application shall be accompanied by such plans, reports and specifications as the permit issuing official shall deem necessary. The plans, reports and specifications shall provide for adequate and satisfactory water supply and sewage facilities, adequate drainage, adequate toilet and lavatory facilities, adequate refuse storage and disposal facilities, adequate sleeping areas and facilities, wholesome food and sanitary food service, adequate medical facilities, insect and noxious weed control, adequate fire protection and such other matters as may be appropriate for security of life or health.

C. A separate permit shall be required for each mass gathering.

D. A permit may be revoked by the permit issuing official if he finds that the mass gathering for which the permit was issued is maintained, operated or occupied in

violation of law, this chapter or the sanitary code of the health district in which the mass gathering is located. A permit may be revoked upon request of the permittee or upon abandonment of operation.

E. A permit issued for the operation of a mass gathering shall be posted or kept on file and made available by the operator on request. (Prior code § 20-1-228)

10.44.040 Space requirements.

An area of at least fifty square feet of usable land per person must be provided at the premises, exclusive of the area required for parking, traffic flows, sanitary facilities, food facilities, service buildings, stage, etc. (Prior code § 20-1-229)

10.44.050 Water supply and facilities.

A readily available potable water supply of adequate quantity to supply five gallons per person per day must be provided. One fountain or drinking water outlet shall be provided for each one hundred people and within five hundred feet of camping and congregating areas. Water shall be available to a medical complex. Water shall be available at first aid and emergency health care facilities. (Prior code § 20-1-230)

10.44.060 Sewage disposal and facilities.

Toilet facilities shall be provided at the rate of one toilet seat per one hundred people; provided, that daily maintenance and servicing is assured; if not proposed and provided for, then one toilet seat for each thirty-three people is required. One lavatory shall be provided for each one hundred people and provisions shall be made for wastewater disposal at these facilities. The toilet facility areas shall be fenced, lighted and adequately identified to allow for service vehicles to maintain daily. Final disposal of all liquid wastes shall be in an area approved by the health authority. Adequate maintenance personnel shall be provided to assure a supply of toilet paper is available at all toilet facilities at all times. (Prior code § 20-1-231)

10.44.070 Food service plans and establishments.

All food service plans and food service establishments shall be approved by the health authority. (Prior code § 20-1-233)

10.44.080 Refuse storage, collection and disposal.

Adequate storage facilities shall be provided to receive refuse of two pounds per person per day, the equivalent to one cubic yard per one hundred twenty-five people per day. Approved receptacles shall be strategically located. Final disposal of solid waste shall be in an established landfill site as approved by the health authority. No burning of refuse shall be permitted. The person to whom the permit is issued shall be responsible for seeing that the grounds are at all times kept clear of solid waste. (Prior code § 20-1-232)

10.44.090 Overnight camping.

Should overnight camping be allowed, minimum standards as provided for in the state Camp Sanitation Act shall be adhered to. It is strongly recommended that shower facilities be provided where overnight camping is permitted. (Prior code § 20-1-234)

10.44.100 Lighting for facility areas.

All water supply, sewage, refuse and food service facility areas shall be provided with sufficient light with a minimum of at least five footcandles. (Prior code § 20-1-236)

10.44.110 Noise level.

The sound level measured at the boundaries of the mass gathering site shall be no more than eighty-five dBA. (Prior code § 20-1-237)

10.44.120 Crowd control.

An acceptable plan shall be submitted giving details as to how the number of people admitted to the event will be controlled when reaching the maximum limit of the facilities provided. The number of people admitted to the area will be limited to that provided for by the ratio of sanitary and emergency health care facilities. Security guards either regularly employed, duly sworn-in, off-duty police officers or private guards sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every seven hundred fifty people shall be provided. (Prior code § 20-1-235)

10.44.130 Regulatory personnel.

Provisions shall be made to provide the festival grounds with adequate number of public health officials to supervise the food service concessions and the water, sewage and refuse facilities. (Prior code § 20-1-238)

10.44.140 Medical care and facilities.

A. Physicians. The health department will approve physician services, provided the following conditions are met:

1. The sponsors or promoters must employ one physician for each ten thousand persons expected to attend

(PEA). These physicians must agree to a schedule so that there will be the following ratios around the clock for each consecutive eight-hour period. The ratio of physicians per ten thousand per shift will be:

a. Eight a.m. to four p.m., 0.4 physician per ten thousand PEA;

b. Four p.m. to twelve midnight, 0.4 physician per ten thousand PEA;

c. Twelve midnight to eight a.m., 0.2 physician per ten thousand PEA.

2. Each physician employed must provide a notarized affidavit showing his name, current license to practice in the state and a schedule of the hours and dates the physician agrees to work during the outdoor festival, not to exceed forty hours per week.

3. There must be a minimum of one physician on duty at all times.

B. Nurses. The health department will approve nursing services, provided the following conditions are met:

1. The sponsors or promoters must employ two registered nurses (RN's), two licensed practical nurses (LPN's) and one ancillary medical person, e.g., nurses aides, persons with training as medical corpsmen or persons experienced as a hospital orderly, for each ten thousand persons expected to attend. The nursing personnel must agree to a schedule so that there will be the following numbers per ten thousand for each consecutive eight-hour period. The numbers of nursing staff per shift, per ten thousand will be:

a. Eight a.m. to four p.m., 0.8 RN's, 0.8 LPN's and 0.4 ancillary persons;

b. Four p.m. to twelve midnight, 0.8 RN's, 0.8 LPN's and 0.4 ancillary persons;

c. Twelve midnight to eight a.m., 0.4 RN's, 0.4 LPN's and 0.2 ancillary persons.

2. Each nurse employed must provide a notarized affidavit showing name, current license to practice in the state and a schedule of the hours and dates the nurse agrees to work during the duration of the outdoor gathering, not to exceed forty hours per week.

3. There must be at least one registered nurse, one licensed practical nurse and one ancillary medical person on duty at all times.

C. Emergency Transportation. There must be an arrangement for emergency evacuation of the sick and injured to licensed hospital facilities. This can be done by showing on-call availability of one ambulance for each ten thousand persons expected to attend or the on-call availability of a helicopter accommodating two litters for each one hundred twenty-five thousand persons expected to attend.

D. Facilities. There shall be facilities for physicians to give out-patient care on the premises. The facility shall have chairs, examining tables with stirrups, locked cabinets for equipment and drugs. There will be an assortment of instruments for minor surgery and for examinations. Supplies such as sutures, novocaine, adrenalin and therapeutic injectibles will be available. There will be temporary holding facilities for the sick and injured for temporary treatment or while awaiting transport to a hospital. There will be one bed for each five thousand persons shielded with appropriate curtains for privacy. There shall be desks and chairs for staff and chairs for visitors. Toilet and lavatory facilities shall be immediately available.

E. Medical Supplies. The health authority shall have the authority to determine the quantitative and qualitative adequacy of medical supplies available.

F. Reimbursement of Expenses. The person to whom the permit is issued shall be obligated to reimburse the metropolitan government for any and all expense of medical treatment or hospital care arising out of or in connection with the mass gathering and for which compensation has not otherwise been provided. (Prior code § 20-1-239)

10.44.150 Injunctive relief.

When it appears that the penalty provided in Section 1.01.030 is inadequate and insufficient to protect the public health, safety and welfare, the director of law is authorized to institute a civil proceeding in a court of competent jurisdiction to enjoin the violation or threat of violation of this chapter. (Ord. 95-1329 § 2 (part), 1995; prior code § 20-1-240)

Chapter 10.48
PUBLIC SWIMMING POOLS

Sections:

10.48.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Conventional pool" means a public pool used or designed to be used for bathing, swimming or diving (with or without diving boards, platforms or other apparatus).

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities.

"Hydrotherapy," "Whirlpool" or "Spa-Type Pool." These pools are not designed for swimming but for therapeutic use and for physiological and psychological relaxation. They are not drained, cleaned and refilled after each use and they may include, but are not limited to, high-velocity air or water circulation systems utilizing hot, cold or ambient temperature water. The water temperature of such pools shall not exceed one hundred five degrees Fahrenheit (forty degrees centigrade). They have closed-cycle water systems with complete water recirculation, filtration and disinfection.

"Private pool" means a pool facility used only by an individual, family or living unit for members and their guest(s), and shall not serve any type of cooperative housing or joint tenancy of four or more living units. The design, construction and operation of such pools are not subject to these regulations.

"Public swimming pool" or "public pool" means a structure of concrete, masonry or other approved materials, used for bathing or swimming, or for instructional purposes in swimming, diving or other aquatic activities by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith. A public swimming pool or public pool means a conventional pool, spa-type pool, wading pool, special purpose pool or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by camps, churches, cities, clubs, counties, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of four or more living units, such as apartments, boardinghouses, condominiums, hotels, mobile home parks, motels, recreational vehicle parks and trailer parks. The inclusion in the definition of "public swimming pool" of those serving four or more living units where the living units are predominantly of individual or family ownership (such as in a fourplex or larger multiple housing unit or a condominium) is for the protection of health and safety of the pool patrons and shall not be construed to mean that such pools are open to use by the general public.

"Special purpose pool" means a public pool used exclusively for a particular purpose, with design and operational features that provides patron participation, which is different from that associated with conventional pools, spa-type pools, wading pools or water recreation attractions.

"Wading pool," or "child's pool" means a public pool used, or designed to be used, primarily by nonswimming children for wading purposes.

"Water recreation attraction" means a facility designed for recreation where participants routinely experience partial or whole body contact with the water such as, but not limited to, hydro slides, artificial waves, etc. (Ord. 89-813 § 1, 1989: prior code §§ 20-1-1 (part), 20-1-183)

10.48.020 Applicability and purpose of chapter.

The provisions contained in this chapter apply to all public swimming pools, including all facilities incident thereto. The purpose of this chapter is to provide a guide for the design, construction, operation and maintenance of such pools so that health and safety hazards will be minimized. (Prior code § 20-1-184)

10.48.030 Adoption of rules and regulations—Compliance required.

Reasonable regulations shall be promulgated by the department of health covering design, construction and operation of public swimming pools. No permit to construct, alter or remodel or license to operate shall be granted unless the pool conforms with such regulations. (Prior code § 20-1-185)

10.48.040 Application for permit.

The application for permit to construct or remodel a public swimming pool shall be on such forms as may be prescribed by the department of health, together with any supporting data as may be required for the proper review of the plans. (Prior code § 20-1-186(b))

10.48.050 Plans and specifications.

A. No person shall begin construction of a public swimming pool or shall substantially alter or reconstruct any public swimming pool without first having submitted

plans and specifications to the department of health for review and approval. All plans and specifications shall be submitted in triplicate. Approval by the department of health shall not be construed to indicate approval of the strength or safety of any equipment or to indicate compliance with any requirement of a building code adopted pursuant to Section 16.08.010 and Chapters 16.28 through 16.40 and 16.48 through 16.50 of this code, as the same may be amended. Neither shall such approval by the department of health relieve any person from the duty to comply fully and completely with any and all applicable provisions of this code, nor any other requirement imposed by ordinance, statute, rule or regulation of the metropolitan government of Nashville and Davidson County, the state of Tennessee and the United States Government.

B. The pool and facilities shall be built in accordance with the plans approved, unless approval of changes has been given in writing by the department of health. The owner or his agent shall notify the department of health at specific predetermined stages of construction and at the time of completion of the pool to permit adequate inspection of the pool and related equipment during and after construction. The pool shall not be placed in operation until such inspections show compliance with the requirements of this chapter pertaining to swimming pools.

C. The criteria to be followed by the department of health in the review and approval of plans shall be promulgated as rules and regulations as authorized by this chapter.

D. The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans, including the piping and hydraulic details, and shall include:

1. Plan and sectional views with all necessary dimensions of both the pool and surrounding area;

2. A piping diagram showing all appurtenances, including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system;

3. The specifications shall contain details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders, filters, strainers, interceptors and related equipment.

E. Any person submitting plans and specifications in accordance with the provisions of paragraph A shall pay an initial filing fee per the following schedule:

1. Plan for new construction $250
2. Revision of previously approved plan 100
3. Plans for modification to existing pools 100

These filing fees shall not be refundable if the plans are not approved or if the application is withdrawn or if the pool is not built or modified, nor shall a prior fee be applied to any subsequent review. (Ord. 92-396 § 1, 1992; Ord. 89-813 § 2, 1989; prior code § 20-1-186(a), (c)—(e))

10.48.060 Permit required—Expiration and transferability.

No person shall operate or maintain a public swimming pool unless he has obtained a permit to operate such pool from the department of health. Such permits shall be valid for one year, unless otherwise revoked for cause. Only persons who comply with this chapter shall be entitled to receive and retain such permit. Such permits are not transferable. (Prior code § 20-1-187)

10.48.070 Inspection and licensing fees—Classification of pools.

A. All public swimming pools within Davidson County must apply for and receive an operating permit from the metropolitan health department (see Section 10.48.060). Each pool must be inspected by the metropolitan health department and be required to pay an inspection and licensing fee.

B. The annual rate of such fees shall be structured as follows:

Class 1. All public swimming pools at apartment complexes, motels, hotels, clubs, etc., private or public, which normally confine their pool activities to approximately four months annually, shall be classified in Class 1. Class 1 swimming pool permits shall be issued upon the inspection and approval by the metropolitan health department for an annual fee of one hundred dollars.

Class 2. All public swimming pools at apartment complexes, motels, hotels, clubs, etc., private or public, which normally confine their pool activities to approximately six months annually, shall be classified as Class 2. Class 2 swimming pool permits shall be issued upon the inspection and approval by the metropolitan health department for an annual fee of one hundred fifty dollars.

Class 3. All public swimming pools which would normally be utilized year-round shall be classified as Class 3 swimming pools. This will include swimming pools found at health clubs, spas, etc., and all other swimming pools which will require a number of inspections and are required to maintain sanitation year-round. Class 3 swimming pool permits shall be issued upon the inspection

and approval by the metropolitan health department for an annual fee of three hundred dollars.

C. The classifications of swimming pools set out in subsection B of this section shall not include swimming pools owned by private individuals at their private residences, but shall include all swimming pools to be utilized by any portion of the public at any institution, private or public. (Ord. 92-396 § 2, 1992; Ord. 89-813 §§ 3—5, 1989; prior code § 20-1-187.1)

10.48.080 Health and safety requirements.

A. No person having a communicable disease shall be employed or work at a public swimming pool. All patrons or swimmers suspected of having an infectious disease shall be excluded.

B. Appropriate facilities shall be provided for the safety of bathers as may be required by the department of health. This shall include lifesaving equipment, safety devices, lifebuoys, lifehooks, first-aid kits, telephone, and adequate staff during the swimming period who are competent in lifesaving and artificial resuscitation. Competent lifeguards shall be on duty during all swimming periods when a use fee is charged.

C. Every swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all provisions of this chapter relating to pool operation and maintenance, and safety of bathers.

D. The pool area will be surrounded by a fence or other suitable barricade of sufficient height and construction to deter small children from wandering into the pool.

E. Instructions regarding emergency calls shall be prominently posted.

F. Not more than the maximum design bather load shall be permitted in the swimming pool at any one time. (Ord. 89-813 §§ 6—8, 1989; prior code § 20-1-189)

10.48.090 Pool maintenance—Operation of equipment.

The pumps, filters, disinfectant and chemical feeders and related appurtenances shall be kept in operation at all times the swimming pool is in use and for such additional periods as needed to keep the pool water clear and of satisfactory bacterial quality. (Prior code § 20-1-192)

10.48.100 Records.

The operator of each pool shall keep a daily record of information regarding operation including disinfectant residuals, Ph, maintenance, procedures, recirculation, together with other data as may be required on forms furnished by the department of health. These data shall be kept on file by the operator for not less than two years for review by the department of health or submitted periodically to the department of health, as may be required by the chief medical director. (Ord. 89-813 § 9, 1989; prior code § 20-1-191)

10.48.110 Inspection—Right of entry.

The department of health is authorized to conduct such inspections as it deems necessary to ensure compliance with all provisions of this chapter, and shall have right of entry at any reasonable hours to the swimming pool for this purpose. (Prior code § 20-1-190)

10.48.120 Revocation of permits—Reissuance.

A. The department of health may revoke any permit for failure to comply with the duly promulgated regulations referred to in this chapter or in cases where the permit has been obtained through nondisclosure, misrepresentation or misstatement of a material fact.

B. Before a permit is revoked, the person to whom the permit has been issued shall have notice in writing enumerating instances of failure to comply with the regulations. He shall be given an opportunity for appeal to the board of health, regarding the reasonableness of the revocation of permit.

C. 1. The department of health may order a suspension of a permit and may order the owner or operator of a public swimming pool to prohibit any person from using it if it finds:

a. A failure of the equipment, structure, area or enclosure of the public swimming pool which jeopardizes the health or safety of the persons using or operating it; or

b. That the public swimming pool lacks properly functioning equipment or proper material for recirculating, treating, or testing the water used for swimming or bathing; or

c. A lack of required supervisory personnel or required lifeguards; or

d. That the operator of the public swimming pool is not maintaining the required water quality; or

e. That the operator does not possess a valid operating permit.

2. If the department of health orders the closing of a public swimming pool, it shall issue a written order to the owner or operator, or their representative, stating with particularity the reason for the order of closure along with its finding that the condition giving rise to the order represents a serious threat to the public health and safety. The order must state that the public swimming pool is to be closed immediately and must specify the corrective action necessary for the reinstatement of the permit.

3. The order must be served upon the owner, operator, representative or a person in charge of the public swimming pool. The person on whom the order is served shall close the public swimming pool immediately and shall prohibit any person from using it.

4. After the specified corrective action has been taken, the owner or operator or his representative shall notify the department that the public swimming pool is ready for reinspection. If upon reinspection the corrective action is approved, the department shall order the reinstatement of the permit, at which time the public swimming pool may be opened for use. If upon reinspection the corrective action is not approved, the operating permit remains suspended and the public swimming pool must be kept closed and out of use until corrective action is approved.

5. If a person is served with an order suspending the permit, the permit may be revoked unless the operator:

a. Closes the public swimming pool immediately; and

b. Takes any corrective action required by the order within the time therein specified.

D. The permit shall be reissued upon proper application and upon presentation of evidence that the deficiencies causing revocation have been corrected. (Ord. 95-1433 § 1, 1995; prior code § 20-1-188)

Chapter 10.52
QUARRYING AND MINING OPERATIONS

Sections:

10.52.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Chief medical director" means the chief administrative officer of the board of health or his designated representative.

"Department of health" means the department of health of the metropolitan government. Such term shall include the board and all of its agents, employees and activities. (Prior code § 20-1-1 (part))

10.52.020 Nuisance declared when.

Holes, ponds, ditches and other depressions created by the mining, quarrying or digging operations by means of which rock, gravel, clay or other commercial products of the ground are obtained therefrom, which are left open and accessible to human beings who may receive injuries by reason thereof, are declared to be a nuisance. (Prior code § 20-1-214)

10.52.030 Abatement notice—Compliance or appeal required.

A. Whenever the chief medical director has knowledge of the existence of a nuisance, as defined in Section 10.52.020, he shall give ten days' written notice to the owner of the property on which such nuisance exists to eliminate the nuisance or to put a fence around the area to prevent people from being endangered by the hazards of such hole, pond, ditch or other depression. Such notice shall specify the manner in which the nuisance shall be abated.

B. Within the ten days specified in such notice, the property owner shall comply with the order and abate the nuisance, or file with the board of health an appeal from the order of the chief medical director, requesting a hearing by the board of health. The filing of such an appeal shall stay all further proceedings until the board of health, after a full hearing, has issued an order declaring that a nuisance exists on the property of the property owner and directing that such nuisance be abated. (Prior code § 20-1-215)

10.52.040 Failure to comply—Liability of owner.

If a property owner fails to appeal to the board of health within the ten-day period specified in Section 10.52.030, or if a property owner fails to comply with a final order of the board of health ordering such property owner to abate a nuisance, then the chief medical director, on behalf of the metropolitan government, or such other department or agency of the metropolitan government as shall be designated by the mayor, shall abate and remove the nuisance at the expense of the property owner, and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien may be enforced by suit in the chancery court. (Prior code § 20-1-216)

10.52.050 Regulations and procedures for hearings.

The board of health is authorized to make such rules and regulations and to provide such procedures relating to the hearings provided for in this chapter with reference

to the abatement of nuisances as it may deem necessary or proper. (Prior code § 20-1-217)

Chapter 10.56
AIR POLLUTION CONTROL

Sections:

10.56.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Act" means the Clean Air Act, as amended, 42 U.S.C. §7401, et seq.

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined below:

1. Actual emissions shall equal the average rate, in tons per year, at which the facility actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal operation. The director may use a different time period upon determining that it is more representative of normal operation. Actual emissions shall be calculated using the facility's actual operating hours, productions rates, and type of materials processed, stored or combusted during the selected time period;

2. The director may presume that the source-specific allowable emissions for the facility are equivalent to the actual emissions of the facility; or

3. For any facility which has not begun normal operations on the particular date, actual emission shall equal the potential to emit.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his designee.

"Air pollutant" means any particulate matter or any gas or vapor or any combination thereof including any physical, chemical, biological, radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.

"Air pollution" means the presence in the outdoor atmosphere of one or more air pollutants in such quantities, characteristics or duration as is or tends to be injurious to human health or welfare, or animal or plant life or health, or property, or would interfere with the enjoyment of life or property.

"ASME" means the American Society of Mechanical Engineers.

"ASTM" means the American Society for Testing and Materials.

"Board" means the metropolitan board of health.

"Breeching" means any conduit for the transport of products of combustion or processes to the atmosphere or to any intermediate device before being discharged into the atmosphere. Such term does not include the chimney or stack.

"Cleaning fires" means the act of removing ashes from the fuel bed or furnace.

"Continuous monitoring" means the sampling and analysis of air pollutants in a continuous or timed sequence, using techniques which will adequately measure actual emission levels or ambient concentrations on a continuous basis.

"Department" means the department of health of the metropolitan government, including the board, agents, employees and divisions.

"Director" means the chief administrative officer of the metropolitan board of health or his designated representative.

"Emission" means the act of releasing or discharging air pollutants into the ambient air from source.

"Existing source" means any equipment, machine, device, article, contrivance or installation which was in existence on the effective date of this chapter, except that any existing equipment, machine, device, article, contrivance or installation which is altered, replaced or rebuilt that increases the amount of air pollutants emitted by such source or which results in the emission of any air pollutant not previously emitted shall be reclassified as a new source.

"Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

"Fugitive dust" means any solid, airborne particulate matter emitted from any source other than through a stack.

"Hand-fired fuel-burning equipment" means fuel-burning equipment in which fresh fuel is manually introduced directly into the combustion chamber but not including fireplaces.

"Hazardous material" means any air pollutant which may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness and has been so defined in the Federal Register.

"Incinerator" means any equipment, device or contrivance used for the destruction of refuse by burning, and all appurtenances thereto.

"Internal combustion engine" means any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders.

"Legally enforceable" means all limitations and conditions which are enforceable by the director and the administrator, which includes all provisions of this chapter, any provisions of the State Implementation Plan, and any permit requirements.

"Major modification" means any physical alteration of or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulations under the Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical alteration of or change in the method of operation shall not include:

1. Routine maintenance, repair and replacement;

2. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

3. Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act;

4. An increase in the hours of operation or in the production rate, unless such change is prohibited by an enforceable permit condition; or

5. Any changes in ownership at a stationary source.

"Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in Paragraph (1), (2) or (3) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant-emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

1. A major source under Section 112 of the Act, is defined as:

a. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule,

b. For radionuclides, major sources shall have the meaning specified by the administrator by rule;

2. A major stationary source of air pollutants that directly emits, or has the potential to emit, 100 tpy or more of any air pollutant under the Clean Air Act (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major source belongs to one of the following categories of stationary sources:

a. Coal cleaning plants (with thermal dryers),

b. Kraft pulp mills,
c. Portland cement plants,
d. Primary zinc smelters,
e. Iron and steel mills,
f. Primary aluminum ore reduction plants,
g. Primary copper smelters,
h. Municipal incinerators capable of charging more than 250 tons of refuse per day,
i. Hydrofluoric, sulfuric or nitric acid plants,
j. Petroleum refineries,
k. Lime plants,
l. Phosphate rock processing plants,
m. Coke oven batteries,
n. Sulfur recovery plants,
o. Carbon black plants (furnace process),
p. Primary lead smelters,
q. Fuel conversion plants,
r. Sintering plants,
s. Secondary metal production plants,
t. Chemical process plants,
u. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input,
v. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
w. Taconite ore processing plants,
x. Glass fiber processing plants,
y. Charcoal production plants,
z. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, or
aa. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category,

3. Any stationary source with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen.

"Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment, or the failure of a process to operate in a normal or usual manner; however, such failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable improper function or preventable equipment breakdown shall not be considered a malfunction.

"Mechanical fuel-burning equipment" means fuel-burning equipment incorporating means by which fuel is mechanically introduced into the combustion chamber.

"Minor stationary source" means any stationary source that is not a major stationary source and is required to obtain a construction permit, in accordance with the provisions of Sections 10.56.020 through 10.56.070.

"Mist" means a suspension of any finely divided liquid in any gas or atmosphere.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in emissions of any air pollution previously not emitted.

"National Emission Standard for Hazardous Air Pollutant Sources (NESHAPS)" means any stationary source for which a national emission standard for hazardous air pollutants has been published in the Code of Federal Regulations.

"New Source Performance Standards (NSPS) Source" means any stationary source containing a facility for which the construction, modification or reconstruction commenced after the date the standard of performance for new stationary sources was published in the Code of Federal Regulations.

"Nonattainment area" means a geographical area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the director to be reliable and which are approved by the Federal Environmental Protection Agency) to exceed any national ambient air quality standard for any air pollutant.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open burning" means any fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

"Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred micrometers.

"Particulate matter emissions" means all finely divided solid or liquid materials, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, Code of Federal Regulations, Chapter 1, as the same may be amended or recodified.

"Permitted allowable emission" means the emission rate of a source calculated at full design capacity while operating eight thousand seven hundred sixty hours per year or an allowable emission rate specified in a legally enforceable construction or operating permit.

"Permit unit" means any article, machine or process equipment or other contrivance of which air pollutants emanate or are emitted. A permit unit is any singular continuous operation.

"Person" means any individual, natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, or other entity recognized by law as the subject of rights and duties, and any officer, agent or employee thereof. The masculine, feminine, singular or plural is included in any circumstances.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method based on Appendix J of Title 40, Code of Federal Regulations, Part 50, as the same may be amended or recodified, or by an equivalent method designated in accordance with Part 53 of Title 40, Code of Federal Regulations, as the same may be amended or recodified.

"PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted into the ambient air as measured by an applicable reference method.

"Potential emissions" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollutant control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed shall be treated as part of its design only if the limitation or the effect it would have on emissions is legally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source unless otherwise provided in the metropolitan health department, pollution control division's regulation No. 13, "Part 70—Operating Permit Program."

"Prevention of Significant Deterioration (PSD)" means the duty to preserve air quality in the manner prescribed in Part C, Sections 160, et seq., of the Clean Air Act of 1977, as codified in 41 USCA 7470 through 7479, as amended.

"Process equipment" means any equipment, device or contrivance for changing any materials whatsoever or for storage or handling of any materials, the use or existence of which may cause any discharge of air pollutants into the open air but not including that equipment specifically defined as "fuel-burning equipment" or "incinerator" in this section.

"Process weight" means the total weight of all materials introduced into any specific process that may cause any emission of particulate matter, but excluding liquid and gaseous fuels and combustion air.

"Refuse" means and is the inclusive term for solid waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid waste or domestic solid waste, trees or shrub leaves, limbs, trunks, roots or droppings or trimmings, grass clippings, brick, plaster or other waste resulting from the demolition, alteration or construction of buildings or structures, accumulated waste material, cans, containers, tires, junk or other such substances which may become a nuisance.

"Regulated pollutant" means each of the following:

1. Nitrogen oxides or any volatile organic compound;

2. Any pollutant regulated under Section 111 or 112 of the Clean Air Act as amended;

3. Any pollutant for which a national primary ambient air quality standard has been promulgated; and,

4. Any Class I or Class II substance listed pursuant to Section 692 of the Clean Air Act as amended.

"Ringlemann Chart" means the chart published and described in the U. S. Bureau of Mines Information Circular 8333.

"Smoke" means small gasborne or airborne particles resulting from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

"Source" means any property, real or personal, which emits or may emit any air pollutant.

"Stack" means any conduit, duct, vent, flue or opening of any kind whatsoever arranged to conduct any products to the atmosphere. Such term does not include breeching.

"Standard conditions" means a gas temperature of sixty-eight degrees Fahrenheit (twenty degrees centigrade), and a gas pressure of 29.92 inches mercury absolute.

"Stoker" means any mechanical device that feeds solid fuel uniformly onto a grate or hearth within a furnace.

"Total suspended particulate" means particulate matter as measured by the method described in Appendix B of Title 40, Code of Federal Regulations, Part 50, as the same may be amended or recodified.

"Uniform Administrative Procedures Act" means Tennessee Code Annotated, Title 4, Chapter 5. The term "agency" as used in the Uniform Administration Procedures Act shall also include the metropolitan board of health and the metropolitan health department.

"Volatile Organic Compounds (VOC)" means volatile organic compound as defined by Title 40, Code of Federal Regulation, Part 51, Subpart F. (Ord. 96-584 § 1,

1996; Ord. 95-84 § 1(a), (b), (c), 1995; Ord. 94-1161 § 1, 1994; Ord. 93-790 § 1, 1993; prior code § 4-1-1)

Article I. Administration and Enforcement

10.56.020 Construction permits.

A. 1. It is unlawful for any person to install, erect, construct, reconstruct, alter, or add to, or cause to be installed, erected, constructed, reconstructed, altered or added to, any fuel-burning equipment, incinerator, process equipment, control device, or any equipment pertaining thereto, or any stack or chimney connected therewith, or to make or cause to be made any alteration or repairs which increases the amount of any air contaminant emitted by such source or which results in the emission of any air contaminant not previously emitted until application for a construction permit has been filed with the metropolitan health department and plans and specifications applicable to the work have been submitted to the director and a construction permit issued by him for such construction, installations, alterations or repairs. Applications for a construction permit shall be filed in duplicate in the offices of the director on forms adopted by the director and supplied by the metropolitan health department along with a copy of plans and specifications. The director shall not grant a construction permit to any source which does not comply with the provisions of the New Source Review Regulations as adopted by the board. If the director determines, on the basis of information available to him, that such source does, or in all likelihood will, operate in violation of this chapter, or that the source will operate so as to prevent attainment or maintenance of any national ambient air quality standard, he shall either impose conditions on the face of the construction permit that in his opinion will promote compliance with this chapter, and/or attainment and maintenance of any national ambient air quality standard, or he shall deny the application for the construction permit. This section shall not apply to fuel-burning equipment used exclusively for heating less than three dwelling units, or to gas, or fuel oil equipment of five hundred thousand BTU input or less or to internal combustion engines.

2. In addition to any other remedies available on account of the issuance of an order prohibiting construction, installation, or establishment of any fuel-burning equipment, incinerator, process equipment, or control devices and prior to invoking any such remedies, the person aggrieved thereby shall, upon request in accordance with the provisions of this chapter and the rules and regulations adopted by the board be entitled to a hearing. Such hearing shall be conducted pursuant to the contested cases provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Part 3.

3. The absence or failure to issue a rule, regulation or order pursuant to this section shall not relieve any person from compliance with any emission control requirements or with any other provision of law.

B. Maintenance or repairs or alterations which are minor in scope or do not change the capacity of any fuel-burning equipment, incinerator, process equipment and which do not involve any change in the method of combustion or materially affect the emission of smoke, dust, gases, fumes, or other air contaminants therefrom may be made without placing an application for construction permit with the metropolitan health department. Emergency repairs may be made prior to the applications in the event an emergency arises and serious consequences would result if the repair were to be deferred. When such repair is made in an emergency, the application as required by this section shall be filed in the office of the director within ten days after the start of such work.

C. The plans and specifications, submitted pursuant to this section, concerning any fuel-burning equipment, incinerator or process equipment shall show the type, form and dimensions of all equipment and appurtenances thereto and stacks and ducts, together with the description and dimensions of the building or part thereof in which such equipment is to be located, the amount of work or the amount of heating to be done by such equipment and all provisions for securing complete combustion of the fuel or refuse and for reducing or controlling emission of air contaminants. Such plans and specifications shall also show the character of the fuel or refuse to be burned or process material, the maximum quantity to be burned per hour, and the operation requirements of the equipment. The plans and specifications shall show that the room or premises in which fuel-burning equipment or incinerator is to be located is provided with adequate ventilation to provide sufficient air for the combustion process and for the safety of people.

D. The plans and specifications submitted pursuant to this section shall be prepared under the direction of, or approved by and bear the seal of, a professional engineer registered in this state or be a graduate of an accredited engineering school and experienced in his field of endeavor.

E. The requirement for filing plans and specifications involving the installation, erection, construction, reconstruction, alteration, or repair of or addition to, any fuel-burning equipment, incinerator, process equipment, or the building of pilot plants or processes to be used in or to become part of a secret process is suspended upon

the filing with the metropolitan health department, in lieu of the filing of plans and specifications, of an affidavit of a responsible person to the effect that such equipment or process is to be so used. Such person may be required by the board to furnish bond or other proof of financial responsibility. The suspension of the filing of such plans and specifications shall in no way relieve the person or persons responsible for the secret process from complying with all other provisions of this chapter.

F. If the installation, erection, construction, reconstruction, alteration, addition or repair is not started within one year of the date of issuance of a construction permit or any extended period granted in writing by the director, the construction permit shall become void.

G. Any equipment covered by this section which is installed, erected, constructed, reconstructed or altered without making application for a construction permit to the department of health and receiving this permit as provided herein may be sealed by the director with the approval of the board, the seal to remain in effect until all provisions of this chapter have been complied with. This remedy is not deemed to be the exclusive remedy.

H. The receipt of a construction permit from the metropolitan health department shall not be construed to indicate approval of the strength or safety of any equipment or to indicate compliance with the requirements of the building code of metropolitan Nashville and Davidson County or any other ordinance thereof. Neither shall it relieve anyone from the responsibility to comply fully with the applicable provisions of this code, nor any other requirement(s) imposed by statute, rule or regulation of the metropolitan government of Nashville and Davidson County, Tennessee, the state of Tennessee or the United States Government.

I. New and modified sources having obtained a valid construction permit in accordance with this section may operate under the construction permit for the period of time specified within the permit which shall not exceed one hundred eighty days provided that the director is notified of the date of start-up. Such notification must be submitted in writing within five working days of the date of start-up of the new or modified source.

J. Results of any compliance testing required as a condition of a construction permit must be conducted in accordance with Section 10.56.290, Measurement of Emissions, and Section 10.56.300, Testing Procedures, of this chapter and the test results submitted to the director within the time period specified on the permit. Failure to demonstrate compliance with the allowable emission standards or any other condition shown on the construction permit shall constitute sufficient grounds for the director to require changes in the installation before an operating permit can be granted. Responsibility for demonstrating proof of compliance including all expenses incurred in conducting the required compliance tests shall be borne by the owner or operator of the affected facility.

K. The director or his authorized representative shall have the right to enter the premises to observe any compliance tests and to inspect the installation and operation of any equipment for which a construction permit was issued.

L. Any application for a construction permit for a major source received by the director is subject to objection and comment by the Administrator under the provisions of 42 U.S.C. §7661 d., as amended. Therefore, no permit shall be final until the time for objection by the Administrator has expired.

M. Any failure to act or inaction by the director within eighteen months after receipt of a complete application for a construction permit may considered final action for the purpose of any appeal to the Davidson County Chancery Court under Tennessee Code Annotated §27-8-101, et seq., and Tennessee Code Annotated §27-9-101, et seq.

N. The director shall, on a monthly basis, notify the public, by advertisement in a newspaper or newspapers of general circulation within the metropolitan government area, of the applicants seeking to obtain a permit to construct or modify an air pollution source. This notice shall specify the location of the proposed source of modification, the type of source or modification, and shall provide the opportunity for public comments. The public shall have thirty days from the date of advertisement to submit written comments to the director. (Ord. 94-1161 § 2, 1994; Ord. 93-790 § 2, 1993; prior code § 4-1-16(a))

10.56.040 Operating permit.

A. After the construction permit has been issued and it is demonstrated to the satisfaction of the director that the fuel-burning equipment, incinerator, process equipment, control device or any equipment pertaining thereto can be operated in compliance with this chapter, an application for an operating permit shall be filed in duplicate in the office of the director on forms adopted by the director and supplied by the metropolitan health department. If the director determines that the source does or will operate in violation of this chapter, or if the source will operate so as to prevent attainment or maintenance of any lawful national ambient air quality standard, he shall either impose conditions on the face of the operating permit that, in his opinion, will promote compliance with this chapter, or he shall deny the application for an

operating permit. The operating permit shall be kept posted on or near the installation for which it was issued. The operating permit shall properly identify the equipment to which it pertains and shall specify the class of fuel and/or type of raw material used, for which the equipment and appurtenances have been designed or which has been successfully used in the operating test. The owner or his agent shall be responsible for notifying the director that equipment for which a construction permit has been issued, has been tested and is ready for permanent operation. With such notification, the owner shall submit to the director test and operation data, as required by the director, as evidence that the equipment will operate in compliance with all provisions of this chapter. The director, with the approval of the board, is authorized to seal the equipment in operation for which an operating permit has not been obtained, as required by this section.

B. The operating permit shall be issued for a one-year period or for such longer period as the director may designate but not to exceed five years. Applications for renewal of the operating permit shall be made in writing upon forms furnished by the metropolitan health department and shall be made not less than sixty days prior to expiration of the certificate for which renewal is sought except as otherwise provided in the metropolitan health department, pollution control division's regulation No. 13, "Part 70—Operating Permit Program." Disclosures of information, tests and other prerequisites to the issue of a construction permit, temporary operating permit, or operating permit may be required by the director prior to the renewal of an operating permit.

C. Any person operating a source constructed on or before the effective date of this chapter shall file an application for an operating permit. An application for an operating permit shall be filed in duplicate in the office of the director on forms furnished by the metropolitan health department.

D. In addition to the requirements of this section, the metropolitan board of health, by regulation duly adopted in accordance with Section 10.56.090 of this chapter, may specify additional permitting requirements.

E. Any application for an operating permit for a major source received by the director is subject to objection and comment by the administrator under the provisions of 42 U.S.C. §7661 d., as amended. Therefore no permit can be final until the statutory time for objection by the Administrator has expired.

F. Any major source may opt out of the provisions of the metropolitan health department, pollution control division's Regulation No. 13, "Part 70 Operating Permit Program," by limiting their potential to emit such that they are below the applicable threshold. In order to exercise this option, the following provisions must be met:

1. The source must agree in writing to be bound by a permit which specifies the more restrictive limit and to be subject to detailed monitoring, reporting and record-keeping requirements that prove the source is in compliance with the applicable permit.

2. The permit limitations, controls, and other requirements imposed by the permits will be at least as stringent as any other applicable limitations and requirements contained in the State Implementation Plan enforceable under the State Implementation Plan.

3. The permit limitations, controls, and other requirements imposed by the permit shall be permanent, quantifiable, and enforceable. If the source decides to increase its potential to emit, the source must meet the requirements of Section 10.56.020.

4. A public notice and opportunity for public comments on any application seeking a permit with limited potential to emit shall be given in a newspaper or newspapers of general circulation within the metropolitan government area. The public shall have thirty days from the date of notice to submit written comments.

5. The director shall provide to the Administrator a copy of each draft and final permit. The draft permit must be submitted to the Administrator prior to the public notice as outlined in subsection (F)(4) of this section. The final permit shall be submitted to the Administrator within thirty days of issuance.

G. Any failure to act or any inaction by the director within eighteen months after receipt of a complete application for an operating permit may be considered final action for the purpose of any appeal to Davidson County Chancery Court under Tennessee Code Annotated § 27-9-101, et seq., or Tennessee Code Annotated § 4-5-322. (Ord. 95-84 § 2, 1995; Ord. 94-1161 § 3, 1994; Ord. 93-790 § 4, 1993; prior code § 4-1-16(c))

10.56.050 Exemptions.

A. The following sources are exempt from the provisions of this chapter unless otherwise specified by the director:

1. Fuel burning equipment used exclusively for heating less than three dwelling units;

2. Natural gas or fuel oil burning equipment of less than five hundred thousand Btu input per hour. This exemption shall not apply when the total capacity of such equipment operated by one person exceeds 2.0 million Btu input per hour;

3. Any process emission source emitting less than 0.1 pounds per hour of nonhazardous particulate matter;

4. Equipment used on farms for soil preparation, tending or harvesting of crops, or for preparation of feed to be used on the farm when prepared;

5. Residential barbecue pits and cookers;

6. Wood smoking operations used to cure tobacco in barns; and

7. Mobile sources, such as automobiles, trucks, busses, locomotives, airplanes and boats.

B. Notwithstanding the exemptions granted in Paragraph A of this section, no person shall discharge, from any source whatsoever, such quantities of air contaminants or other materials which cause or have a tendency to cause, injury, detriment, annoyance, or adverse effect to the public.

C. The sources listed below are exempt from the permitting requirements of Sections 10.56.020 and 10.56.040 of this chapter unless specifically required to do so by the director. However, the emissions from these sources shall comply with the remaining provisions of this chapter and with any applicable regulation adopted by the metropolitan board of health in accordance with the provisions of Section 10.56.090 of this chapter.

1. Fuel burning equipment that is fired with liquid petroleum gas, natural gas, or No. 2 fuel oil with a heat input of less than 10 million Btu per hour where the combined total heat input rate at the facility does not exceed 20 million Btu per hour. This exemption does not apply to gas-fired turbines;

2. Equipment used exclusively to store or hold dry natural gas or liquid petroleum gas;

3. Laboratory equipment used exclusively for chemical and physical analysis, including ventilating and exhaust systems for laboratory hoods used for air contaminants other than carcinogenic or radioactive air pollutants;

4. Brazing, soldering, or welding equipment, except those which emit lead or use lead compounds;

5. Repairs or maintenance of a source regulated by an emission standard provided that no structural changes are involved such as replacement or installation of any new process, fuel burning, incineration or air pollution control equipment;

6. Alkaline/phosphate washers and associated gas-fired burners, provided that no volatile organic compounds are present in the phosphatizing or wash solutions;

7. All gas or No. 2 fuel-oil-fired infrared, or electric ovens which have no emissions other than products of fuel combustion except for those regulated by Regulation No. 5, Standards of Performance for new Stationary Sources, or have a heat rate input of more than 10 million Btu per hour;

8. Surface coating operations which do not exceed a combined total usage of more than forty-five gallons per month of coatings, thinners and cleanup solvents at one location;

9. Any process emitting less than 0.1 pounds per hour of any nonhazardous air pollutant except for those regulated by Regulation No. 5, Standards of Performance for New Stationary Sources; and

10. Tank trucks and barges.

D. Notwithstanding any exemption granted in this section because of size or production rate, an exempted source must be listed in the application for a permit to be issued in accordance with Regulation No. 13, Part 70 Operating Permit Program.

E. The exemptions in this section shall not apply:

1. To any source regulated under Section 111 or 112 of the Act; or

2. To any of the following hazardous air pollutants:

2-Acetylaminofluorene
Acrolein
Acrylamide
Acrylic acid
Acrylonitrile
Arsenic compounds
Benzidine
Beryllium compounds
Bis (chloromethyl) ether
1, 3-Butadine
Cadmium compounds
Chlordane
2-Chloroacetophenone
Chromium compounds
Chloromethyl methyl ether
Coke oven emissions
Diazomethane
Dibenzofuran
1, 2-Dibromo-3-chloropropane
Dichloroethyl ether (Bis (2-Chloroethyl) ether)
Dimethylcarbamoyl chloride
1, 2-Diphenylhydrazine
Ethylen dibromide
Ethylenimine (Aziridine)
Ethylene oxide
Heptachlor
Hexachlorobenzene
Hexachlorocyclopentadiene
Hydrazine
Manganese compounds
Mercury compounds
Methylene Diphenyl diisocyanate (MDI)
Methyl hydrazine
Methyl isocyanate

Nickel compounds
N-Nitrosodimethylamine
N-Nitroso-n-methylurea
Parathion
Phosgene
Phosphine
Phosphorus
1, 2-proplenimine
2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin
Toxophene (Chlorinated camphene)
Vinyl chloride

F. Notwithstanding any exemption in this Section, any application submitted in accordance with Section 10.56.020 and Section 10.56.040 of this chapter shall include all emission sources and quantify emissions if needed to determine major source status, to determine compliance with an applicable requirement, and/or the applicability of any applicable requirement such as NSPS, NESHAPS, or MACT standards, etc., or in calculation of permit fees in accordance with Section 10.56.080. (Ord. 95-84 § 3, 1995; Ord. 93-790 § 5, 1993)

10.56.060 Transferability of permit.

Any permit issued in accordance with the provisions of this chapter is not transferable from one person to another person nor from one facility to another facility without prior approval from the director. (Prior code § 4-1-16(d))

10.56.070 Suspension or revocation of permit.

The director may suspend or revoke either a construction or an operating permit if the permit holder fails to comply with the provisions, stipulations or compliance schedule provided in the permit. (Prior code § 4-1-16(e))

10.56.080 Permit and annual emission fees.

A. The metropolitan board of health by rule or regulation may prescribe and provide for the payment and collection of reasonable fees for the issuance of all permits as specified in Sections 10.56.020 through 10.56.070. The fee schedule shall be sufficient to cover all reasonable (direct and indirect) costs required to administer the permit program of this chapter. All fees collected by virtue of this chapter shall be deposited regularly with the metropolitan treasurer in a separate revenue account and shall be used to fund the operation of the air pollution division of the metropolitan health department.

B. Regulated pollutants for determining emission fees shall mean the annual permitted allowable emissions up to four thousand tons per regulated pollutant, as defined by subsection C of this section, of each of the following pollutants:

1. Volatile Organic Compounds;
2. Any pollutant regulated under Section 111 or 112 of the Clean Air Act as amended;
3. Any pollutant for which a national primary ambient air quality standard has been promulgated, except carbon monoxide; and
4. Nitrogen oxides.

C. Permitted allowable emissions for determining permit fees shall mean the emission rate of a source calculated at full design capacity operating eight thousand seven hundred sixty hours per year or an allowable emission rate specified in a legally enforceable permit condition.

D. Construction Permit.

1. Any person making application to the metropolitan health department for a construction permit in accordance with the provisions of Section 10.56.020 shall pay an initial filing fee of twenty-five dollars per ton for the potential emissions or the source's proposed permitted annual allowable emissions of each regulated pollutant or one hundred dollars, whichever is greater. This filing fee shall not be refunded if a permit is denied or if the application is withdrawn, nor shall it be applied to any subsequent application.
2. All fees shall be included with the permit application. Fees shall be paid by check made payable to the metropolitan department of health.
3. Any person constructing a source without a construction permit in addition to the above initial filing fee shall pay a penalty of fifty percent of the initial filing fee amount, plus interest on the fee amount computed in accordance with Section 6621(a)(2) of a the Internal Revenue Code of 1986.

E. Operating Permit and Annual Emission Fee.

1. Any person making application to the metropolitan health department for an operating permit in accordance with the provisions of Section 10.56.040 shall pay the applicable fee in accordance with the following schedule:

a. Asbestos demolition/renovation removal permits, one hundred dollars;

b. Air curtain destructor permits, one hundred dollars;

c. Any owner or operator of any other source required to have an operating permit in accordance with the provisions of Section 10.56.040 must pay an annual emission fee of twenty-five dollars per ton, as adjusted pursuant to the criteria set forth in subsection (E)(1)(e) below of permitted allowable emissions of each regu-

lated pollutant as defined in subsection B of this section, or one hundred dollars, whichever is greater;

d. The annual emission fee shall be calculated as the sum of permitted allowable emissions of all regulated pollutants, except for carbon monoxide, at a source;

e. The twenty-five dollars per ton per year used to calculate the annual emission fee shall be adjusted each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for calendar year 1989.

The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor, as of the close of the twelve-month period ending on August 31st of each calendar year.

The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1989 shall be used;

f. The annual emission fee is due and payable to the metropolitan department of health in full by March 31st of the year following the year the emissions occurred. Any source failing to pay the annual emission fee by March 31st shall pay in addition a penalty of fifty percent of the annual emissions fee, plus interest on the fee amount as computed by the director in accordance with Section 6621(a)(2) of the Internal Revenue Code of 1986;

g. The appropriate annual emission fee for a new source that has not been in operation a full calendar year shall be determined by the following equation:

$$\frac{\text{Number of months in operation}}{12} \times \text{Annual emission fee based on permitted allowable emission} = \text{Emission fee}$$

h. A source owner or operator of the opinion that their annual emission fee is improper or incorrect may request a meeting with the director to discuss the annual emission fee assessment. This must be requested in writing at least thirty days prior to the due date of the annual emission fee. This meeting will be for the purpose of explaining to the source owner or operator the computation methods used to determine the annual emission fee and to provide the source an opportunity to explain why the assessment is incorrect. At this meeting, the source may restructure its fee liability through a reduction in permitted allowable emission rates.

Any owner or operator who disagrees with the calculation or the applicability of the fee may petition the board for a hearing.

F. Permit Modification. Any person making application to the metropolitan health department for the modification of a permit shall be subject to the fee outlined in subsection (D)(1) of this section. No fee is required for modification of a permit to correct clerical, typographical or calculation errors.

G. No permit will be issued or modified until the appropriate filing fee has been received by the department. (Ord. 96-584 § 2, 1996; Ord. 95-84 § 4(a), (b), 1995; Ord. 94-1162 § 1, 1994; Amdt. 1 to Ord. 93-790, 9/21/93; Ord. 93-790 § 6, 1993)

10.56.090 Board—Powers and duties.

A. 1. There is imposed upon the board in addition to those functions and duties set forth in Article 10, Chapter 1, of the Charter of the metropolitan government, the authority, power and duty to adopt, promulgate and enforce such rules and regulations to carry out the provisions of this chapter which the board deems necessary in order to achieve and maintain such levels of air quality as will protect human health and safety and to the greatest degree practical, prevent injury to plant life and property, foster the comfort and convenience of the inhabitants of the metropolitan government area and promote the economic and social development of the metropolitan government area; provided, that such rules and regulations shall not conflict with any laws of the state, the Charter of the metropolitan government or any ordinance of the metropolitan government, nor shall such rules and regulations exceed the limits of authority granted to the board in this chapter.

2. The director shall recommend to the board such rules and regulations as he considers necessary consistent with the general intent and purpose of this chapter to prevent, abate and control air pollution. Thereupon, the board shall fix and hold a public hearing, as provided herein, with respect to the rules or their amendments, and the board may approve or reject such recommended rules or amendments, in whole or in part, or it may modify and approve them as so modified. Thereafter, the board may amend or add to the rules and regulations, on recommendation of the director, or on its own initiative, but only after a public hearing on the proposed amendments.

3. Such rules and regulations or any amendments thereto shall be approved by the director of law as to legality, and the same shall then be filed with the secretary of the board and the metropolitan clerk. After such rules and regulations or any amendments thereto of the board have been so adopted in the manner herein pro-

vided, such rules and regulations shall have the force and effect of law.

B. In exercising its powers to prevent, abate and control air pollution, the board shall have the following powers and duties:

1. Develop and prepare a general comprehensive plan for the prevention, control and abatement of air pollution recognizing varying requirements for different areas of the metropolitan government;

2. Establish, modify or amend, after public hearing, a system of permits applicable to installation or modification of facilities capable of becoming a source of air pollution;

3. Establish, modify or amend, without hearing, rules and regulations with respect to procedural aspects of:

a. Hearings,

b. Filing of reports and orders,

c. Issuance of permits, and

d. All other matters not specifically requiring a hearing;

4. Require that any person whom the board has reason to believe is or may be about to be causing or contributing to air pollution to furnish the board pertinent information required by it in the discharge of its duties under this chapter; provided, that no such person shall be required to disclose any secret formulas, processes or methods used in any manufacturing operation carried on by him or under his direction;

5. Cause to be instituted in a court of competent jurisdiction, legal proceedings to compel compliance with any provision of this chapter or with any order or determination issued by the board;

6. Collect and disseminate information relative to air pollution, encourage voluntary cooperation of affected persons or groups in preserving and restoring a reasonable degree of air purity and advise, consult and cooperate with other agencies, persons or groups in matters pertaining to air pollution;

7. Prescribe and provide, at its discretion, for payment and collection of reasonable fees for the review of plans and specifications required to be submitted pursuant to this chapter. Such fees shall be deposited with the metropolitan treasurer and shall be used to supplement the budget of the metropolitan health department;

8. Adopt, promulgate and enforce such other rules and regulations which the board deems necessary to carry out the provisions of this chapter; provided, that nothing in this chapter shall be deemed to grant the board any jurisdiction or authority with respect to air pollution existing solely within commercial or industrial plants, works or shops or to affect the relationship between employers and employees with respect to or arising out of any condition of air pollution, so long as such internal pollution does not affect the ambient air outside the plant, works or shops.

C. In addition to any other power granted to it by this chapter, the board is granted the authority to assess a civil penalty in an amount not to exceed the sum of twenty-five thousand dollars per day for each day of violation against any person in violation of this chapter or of any regulation adopted pursuant to this section.

1. The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter or of any regulation adopted by the board pursuant to this section. Notice of such assessment shall be provided by certified mail, return receipt requested.

2. Any person against whom an assessment is made by the director may appeal to the board by filing a request with the director for review by the board. Request for review by the board must be made in writing and filed within thirty days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment.

3. Failure to appeal the assessment within thirty days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the board.

4. Any assessment of a civil penalty appealed to the board shall be heard pursuant to the provisions of the contested cases provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Part 3. The assessment of civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe.

5. No assessment of civil penalty, whether brought to the board by appeal or for confirmation by the director, shall be final until such assessment is approved by the board at any regular meeting or duly called special meeting. The board may alter or modify the terms of any civil penalty, but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the board for modification of such assessment in the same manner as an appeal from assessment of civil penalty by the director.

6. The director may enter into consent decrees with any person in violation of this chapter or of any regulation adopted pursuant to this chapter, and, after approval

by the board shall have the same effect and be enforceable in the same manner as a civil penalty.

7. The board may cause an action to be filed with the chancery court for Davidson County for judgment to enforce any final assessment of civil penalty or consent decree and for any execution of any judgment so obtained.

8. In assessing a civil penalty, the director and the board may consider all factors listed in Section 10.56.100, and may include any expenses and actual damages incurred by the metropolitan government in investigating, removing, correcting or cleanup of the effects of the violation, including loss or destruction of plant or animal life. (Ord. 94-1161 § 4, 1994; Ord. 89-814 § 1, 1989; prior code § 4-1-19)

10.56.100 Board—Consideration of facts and circumstances.

In the exercise of its powers to prevent, abate and control air pollution, the board shall give due consideration to such pertinent facts and circumstances, including, but not limited to:

A. The character and degree of injury to, or interference with, the protection of the health, general welfare and physical property of the residents of the metropolitan government area;

B. The social and economic value of the air pollutants source;

C. The degree of detrimental effect of the air pollutants upon the achievement of the national ambient air quality standard for such pollutant;

D. The technical practicability and economic reasonableness of reducing or eliminating the emission of such air pollutants;

E. The suitability or unsuitability of the air pollution source to the area in which it is located;

F. The economic benefit gained by the air pollutants source through any failure to comply with the provisions of this chapter and regulations adopted pursuant to this chapter. (Ord. 89-814 § 2, 1989; prior code § 4-1-20)

10.56.110 Rules and regulations—Hearings procedure.

A. No standard, rule or regulation shall be adopted by the board pursuant to Section 10.56.090, and no amendment, repeal or modification thereof, shall take effect except after a public hearing has been held regarding the matter in question. At the discretion of the board, the hearing may be conducted before the board or a hearing officer, as defined under the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-301, designated by the board for such purpose.

B. Hearings shall be conducted in the following manner:

1. A public notice of any and all public hearings pursuant to this chapter shall be given at least thirty days prior to the scheduled date of the hearing by public advertisement on three consecutive days in a newspaper or newspapers of general circulation within the metropolitan government area, giving the date, time, place and purpose of such hearing.

2. At such hearings, opportunity to be heard with respect to the subject thereof shall be given to any interested person. Any interested persons, whether or not heard, may submit, in writing, a statement of their views on the proposed rules and regulations prior to or within seven days subsequent to such hearings.

3. No rule or regulation of the board, or any amendment, repeal or modification thereof, shall be deemed adopted or in force and effect until it shall have been approved, in writing, by at least the majority of the members to which the board is entitled and the same shall have been approved by the director of law as to its legality and a certified copy thereof has been filed with the metropolitan clerk.

4. Any person heard or represented at such hearing or requesting notice shall be given, without charge, written notice of the action of the board with respect to the subject thereof. A reasonable record shall be made and maintained of any such public hearing and the testimony at such hearing may or may not be under oath, at the discretion of the board. Copies of the proceedings at the public hearing shall be made available only upon the payment of the fee therefor, which fee shall be set by the board of health. (Ord. 94-1161 § 5, 1994; prior code § 4-1-21)

10.56.120 Complaint notice—Hearings procedure.

A. In addition to the other remedies available, the director is authorized to file with the board a complaint of an alleged violation, and the board may cause to have issued and served upon the person complained against a formal notice of complaint, which shall specify the provision of this chapter of which such person is said to be in violation and a statement of the manner and extent to which, if applicable, such person is said to violate this chapter, and shall require the person complained against to answer the charges of such formal complaint at a hearing before the board.

B. Such hearing shall be conducted pursuant to the provisions of the contested cases provisions of the Uniform Administrative Procedures Act, Tennessee Code

Annotated, Title 4, Chapter 5, Part 3. (Ord. 94-1161 § 6, 1994; Ord. 93-790 § 9, 1993; prior code § 4-1-22)

10.56.130 Variances—Hearings procedure.

A. Any person seeking a variance from the provisions of this chapter or from the rules and regulations adopted by the board pursuant to this chapter shall do so by filing a petition for variance with the director. The director shall promptly investigate such petition and make recommendation to the board as to the disposition thereof.

B. The board may grant such variance if it finds that:

1. a. The emissions occurring, or proposed to occur, do not endanger or tend to endanger human health or safety, and

b. Compliance with the provisions of this chapter and the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public;

2. The emissions occurring, or proposed to occur, do not have a serious adverse effect on the quality of the ambient air of Davidson County and of adjacent counties;

3. The owner or operator of the source agrees that upon the expiration of the order granting the variance that he/she will use any new means of emission limitation demonstrated to the satisfaction of the board to be the best available system of continuous emission reduction for the particular source or sources for which the variance is granted;

4. Such new means of emission limitation are not likely to be used unless a petition is granted under this subsection;

5. Such new means of emission limitation have a substantial likelihood of:

a. Achieving greater continuous emission reduction than the means of emission limitation which, but for such variance, would be required, or

b. Achieving an equivalent continuous reduction at lower cost in terms of energy, economic or nonair quality environmental impact;

6. Compliance with the source would be impracticable prior to or during the installation of such new means.

C. Upon receiving the recommendation of the director, the board shall grant a public hearing. Such public hearing shall be held not later than sixty days after receipt of a recommendation from the director.

D. Public hearings will be conducted in the following manner:

1. The petitioner and the public shall be given written notice at the earliest practicable time as to the time and place of such hearing.

2. At the discretion of the board, such hearing before a hearing officer may be conducted as defined by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-301, and a complete record of the hearing shall be made for review by the board members.

3. All testimony shall be recorded and may or may not be under oath, at the discretion of the hearing officer. The transcript so recorded shall be made available to the petitioner or any party to the hearing upon the payment of the fee for transcribing such testimony.

4. The board in considering the granting of a variance shall give due consideration to the equities of the petitioner and others who may be affected by granting or denial of the petition.

5. The board may make the granting of a petition for variance contingent upon such other requirements or restrictions on the petitioner as the board may deem appropriate and reasonable, including, but not limited to, the requirement that a performance bond be posted by the petitioner.

6. Any variance granted shall be for a period not to exceed one year, except as hereinafter provided, but may be extended from time to time by the action of the board.

E. Subject to the conditions of subsections A and B of this section, the board may grant a variance on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of the air pollutant source involved, and, if granted, such variance may remain in effect only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the board may prescribe.

F. If the variance is granted on the grounds that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the board, is requisite for the taking of the necessary measures. A variance granted on the grounds specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be contained on adherence to such timetable.

G. Upon failure of the board to issue a final order or determination within sixty days after the final argument in any such hearing or within sixty days following receipt of the recommendation of the director when no

hearing is held, the petitioner shall be entitled to treat for all purposes such failure to act as a granting of the variance requested.

H. The burden of proof in such hearings shall be upon the petitioner.

I. Nothing in this section, and no variance or renewal thereof granted pursuant hereto, shall be construed to prevent or limit the application of the emergency provisions and procedures of this chapter to any person or his property. (Ord. 94-1161 § 7, 1994; prior code § 4-1-23)

10.56.140 Emergency measures—Hearings procedure.

A. Any other provisions of law to the contrary notwithstanding, if the director finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the director shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants.

B. Upon issuance of any such order, the director shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the board. Such hearing shall be held in conformity with the provisions of Section 10.56.120, insofar as applicable. Not more than twenty-four hours after the commencement of such hearing, and without adjournment thereof, the board shall affirm, modify or set aside the order of the director.

C. In the absence of a generalized condition of air pollution of the type referred to in subsection A of this section, if the director finds that emissions from the operation of one or more air contaminant sources is causing or may tend to cause imminent danger to human health or safety, he may order the person responsible for the operation in question to reduce or discontinue operations immediately, without regard to the provisions of this chapter. In such event, the requirements for hearing affirmance, modification, or setting aside of orders set forth in subsection B of this section shall apply. (Prior code § 4-1-24)

10.56.150 Nuisance declared—Injunctive relief.

A. Any person violating the provisions of this chapter by exhausting into the atmosphere an air contaminant in excess of that permitted by this chapter is declared to be creating a nuisance.

B. The board may cause to be instituted a civil action in any court of competent jurisdiction of injunctive relief to prevent violation of any section of this chapter. (Prior code § 4-1-25)

Article II. Standards for Operation

10.56.160 Ambient air quality standards.

A. The primary ambient air quality standards define levels of air quality believed adequate with an appropriate margin of safety to protect the public health.

B. The secondary ambient air quality standards define levels of air quality believed adequate with an appropriate margin of safety to protect the public welfare from any known anticipated adverse effects of the pollutant.

C. The ambient air quality standards of Table 10.56.160 are applicable throughout metropolitan Nashville and Davidson County. The ambient air quality standards of Table 10.56.160 shall not be construed or interpreted to allow any significant deterioration of the existing air quality in any area of metropolitan Nashville and Davidson County. (Ord. 96-584 § 3, 1996; prior code § 4-1-18)

10.56.170 Emission of gases, vapors or objectionable odors.

No person shall cause, suffer, allow or permit any emission of gases, vapors or objectionable odors beyond the property line from any source whatsoever which causes injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which causes or has a natural tendency to cause injury or damage to business or property. (Prior code § 4-1-10)

10.56.180 Laundry operations—Dryer and vent pipe requirements.

No person shall operate a laundry, dry cleaning plant or similar operation unless the following conditions are met:

A. All driers shall be equipped with lint filters which will substantially prevent the expulsion of materials harmful to the public.

B. Provision shall be made so that all vent pipes carrying solvent vapor are not directed toward any building openings within twenty feet. (Prior code § 4-1-12)

10.56.190 Controlling wind-borne materials.

A. No person shall cause, suffer, allow or permit the handling, transporting or disposition of any substance or material which is likely to be scattered by the wind, or is susceptible to being wind-borne, without taking adequate precautions or measures to minimize atmospheric pollution.

B. Vehicles carrying the material subject to becoming airborne operating on public streets, roads or highways shall cover their load with a tarpaulin, canvas or other means acceptable to the director.

C. No person shall maintain, cause, permit or allow to be maintained any premises, open area, right-of-way, storage pile of materials, any construction, alteration, demolition or wrecking operation, or any other enterprise which involves any material or substance likely to be scattered by the wind or susceptible to being wind-borne, without applying all such reasonable measures as may be necessary or required to prevent particulate matter from becoming airborne, including, but not limited to, paving, or frequent cleaning of roads, driveways and parking lots, application of dust-free surfaces, or the planting and maintenance of vegetative ground cover.

D. In addition, all parking areas containing spaces for ten or more motor vehicles shall be surfaced with asphalt, concrete, or other hard-surfaced dustless material. (Prior code § 4-1-11)

10.56.200 Sale, use or consumption of solid and liquid fuels.

A. 1. It is unlawful for any person to sell or burn, in any fuel-burning equipment, any solid or liquid fuel containing in excess of two percent sulfur by weight. If such fuel is not reasonably available, an application for exemption may be made to the board, and the board, after considering the factors set forth in this subsection, shall allow exemption from this provision when the applicant demonstrates that their activities do not result in the condition of air pollution as defined in Section 10.56.010.

2. In determining reasonable availability, the factors to be considered by the board shall include, among others: price, firmness of supply, extent of existing pollution and assurance of supply under adverse weather and natural disaster conditions.

3. The board, at its discretion, may review such exemptions from time to time and revise same when it finds such changes in circumstances which require additional action on the part of a fuel user to protect the air.

B. 1. Subsection A of this section shall not apply to any case in which by the use of a combination of gas, liquid or solid fuel it is demonstrated to the director that sulfur oxide emissions, caused by the combustion of any solid or liquid fuel, or any fuel-burning equipment or from any stack connected thereto, does not exceed the sulfur oxide emissions of burning two percent sulfur fuel.

2. Any person seeking to come within this subsection B of this section shall install and operate a continuous monitoring device, approved by the director, to monitor sulfur dioxide emissions, on the stack of any installation where the combination of fuels is being used to control sulfur oxide emissions. The sulfur dioxide emission record, along with the record of fuel consumption and a fuel analysis, shall be submitted to the director each month.

C. 1. Subsection A of this section shall not apply in any case in which, by the use of a cleaning process, it is demonstrated to the director that sulfur oxide emissions, caused by the combustion of any solid or liquid fuel, of any fuel-burning equipment or from any stack connected thereto, does not exceed the sulfur oxide emissions of burning two percent sulfur fuel.

2. Any person seeking to come within this subsection C of this section shall conduct, at the expense of the company or industries, a series of detailed stack analyses, the method of sampling must be approved by the director, within thirty days of the installation of this cleaning process, and the performance data must be submitted to the director for evaluation. The owner or operator shall install and operate a continuous monitoring device, approved by the director, to monitor sulfur dioxide emissions. The sulfur dioxide emission record shall be submitted to the director each month. Tests to determine compliance with this section shall be performed as provided in Section 10.56.300. (Prior code § 4-1-3)

Table 10.56.160

	Primary Standard		Secondary Standard		
Pollutant	Concentration	Averaging Intervals	Concentration	Averaging Intervals	Remark

Table 10.56.160

- Pollutant	Primary Standard Concentration	Primary Standard Averaging Intervals	Secondary Standard Concentration	Secondary Standard Averaging Intervals	Remark
PM10	150 µ g/m^3	24-hr	150 µ g/m^3	42-hr	This standard is attained when the expected number of days per calendar year with a 24-hr average concentration above 150 µ g/m^3 as determined in accordance with Appendix K of Title 40, CFR Part 50, is less than or equal to one.

Table 10.56.160

- Pollutant	Primary Standard Concentration	Primary Standard Averaging Intervals	Secondary Standard Concentration	Secondary Standard Averaging Intervals	Remark
	50 µ g/m^3	AAM	50 µ g/m^3	AAM	This standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Appendix K of Title 40, CFR Part 50, is less than or equal to 50 µ g/m^3.
Sulfur dioxide	0.03 ppm	AAM	0.50 ppm	3-hr	Annual arithmetic mean not to be exceeded more than once a year.
	0.14 ppm	24-hr			
Carbon monoxide	35.0 ppm	1-hr	35.0 ppm	1-hr	Not to be exceeded more than once a year.
	9.0 ppm	8-hr	9.0 ppm	8-hr	Not to be exceeded more than once a year.

Table 10.56.160

- Pollutant	Primary Standard Concentration	Primary Standard Averaging Intervals	Secondary Standard Concentration	Secondary Standard Averaging Intervals	Remark
Ozone	0.12 ppm	1-hr	0.12 ppm	1-hr	This standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is equal to or less than one.
Nitrogen dioxide	100 μg/m^3	AAM	100 μg/m^3	AAM	Annual arithmetic mean.
Lead	1.5 μg/m^3	QAM	1.5 μg/m^3	QAM	Calendar quarter arithmetic mean.
Gaseous fluorides			1.5 ppb	30-day	Not to be exceeded more than once a year.
			2.0 ppb	7-day	
			3.5 ppb	24-hr	
			4.5 ppb	12-hr	

10.56.210 Hazardous air pollutants.

A. "Hazardous air pollutant" means any air pollutant listed by the Administrator of the EPA pursuant to Section 112 of the Act, 74 U.S.C. §7412.

B. Any owner or operator of a hazardous air pollutant source must comply with any applicable standard emission standards or any other applicable requirements established by the administrator of the EPA pursuant to Section 112 of the Act.

C. The owner or operator of a hazardous air pollutant source in existence on the effective date of designation of a hazardous air pollutant shall, within six months from the date, file with the director the necessary information to evaluate the compliance status of said source. (Ord. 93-790 § 7, 1993)

10.56.220 Fuel-burning equipment.

A. The emission of particulate matter resulting from the combustion of solid fuel from any installation of fuel-burning equipment or any stack connected thereto existing before the effective date of this chapter in quantities exceeding the values specified in Table I of this subsection is prohibited. The maximum allowable particulate emission limits as given in this section are based upon the total plant rate of heat input to one or more stacks. Where natural gas or liquefied petroleum gas is used as a fuel, the Btu heat input from these fuels shall not be included.

Table I

Total Heat Input in Million Btu/Hr.	Maximum Emission Rate in Pounds Per Million Btu Input
10 or less	0.60
20	0.50
50	0.39
100	0.33
500	0.22
1,000	0.18
5,000	0.12
10,000 or greater	0.10

Interpolation of the data in Table I shall be accomplished by the use of the equation: $E = 1.09(Q)^{-0.2594}$, where E = emissions in pounds per million Btu input, Q = total heat input in million Btu per hour.

B. The emission of particulate matter resulting from the combustion of solid fuel from any installation of fuel-burning equipment or any stack connected thereto begin-

ning operation on or after the effective date of this chapter, in quantities exceeding the values specified in Table II of this subsection is prohibited.

Table II

Total Heat Input in Million Btu/Hr.	Maximum Emission Rate in Pounds Per Million Btu Input
10 or less	0.60
20	0.41
50	0.24
100	0.16
200	0.10
250 or greater	0.10

Interpolation of the data in Table II shall be accomplished by the use of the equation: $E = 2.16(Q)^{-0.5566}$, where E = emissions in pounds per million Btu input, Q = total heat input in million Btu per hour.

C. The emissions of particulate matter resulting from the combustion of distillate oil from any installation of fuel-burning equipment or any stack connected thereto shall not exceed 0.02 pounds per million Btu heat input.

D. The emissions of particulate matter resulting from the combustion of residual oil from any existing installation of fuel-burning equipment or any stack connected thereto shall not exceed 0.15 pounds per million Btu heat input. For any installation constructed after the effective date of this chapter, the emission of particulate matter resulting from the combustion of residual oil shall not exceed 0.15 pounds per million Btu heat input or the value specified in Table II, whichever is more restrictive.

E. Irrespective of the emission standards of this section, the metropolitan board of health, by regulation, may specify emission standards for all new, modified or existing fuel-burning equipment sources located within or impacting on a nonattainment area.

F. No new coal-burning equipment of less than one million Btu per hour input shall be installed, excluding all potbellied stoves.

G. The operation of hand-fired fuel-burning equipment is prohibited. This subsection shall not apply to fuel-burning equipment used exclusively for heating a dwelling of less than three dwelling units or the burning of wood as a fuel in residential fireplaces.

H. The burning of refuse in fuel-burning equipment is prohibited, except in equipment specifically designed to burn refuse.

I. Tests to determine compliance with this section shall be performed as provided for in Section 10.56.300. (Prior code § 4-1-7)

10.56.230 Incinerators.

A. No person shall burn any refuse in any incinerator except in an incinerator having a rated capacity of one hundred pounds per hour or greater, with adequate auxiliary heat or other approved means to prevent air pollution or an air pollution nuisance. This requirement of a capacity of one hundred pounds per hour shall not apply to incinerators designed for and used exclusively as pathological incinerators.

B. No person shall cause, suffer, allow or permit the emissions from any incinerator, having a charge rate of two thousand pounds per hour or less, particulate matter in quantities exceeding two-tenths grain per standard dry cubic foot of flue gases, adjusted to twelve percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

C. No person shall cause, suffer, allow or permit the emissions from any incinerator, having a charge rate greater than two thousand pounds per hour, particulate matter in quantities exceeding eight one-hundredths grain per standard dry cubic foot of flue gases, adjusted to twelve percent carbon dioxide by volume excluding the contribution of auxiliary fuel.

D. Irrespective of the emission standards of this section, the metropolitan board of health, by regulation, may specify emission standards for any new, modified or existing incinerator located within or impacting on a nonattainment area.

E. Tests to determine compliance with this section shall be performed as provided in Section 10.56.300.

F. This section shall not apply to any incinerator covered by any regulation duly adopted by the board in accordance with Section 10.56.090. (Prior code § 4-1-6)

10.56.240 Internal combustion engines.

A. No person shall cause, suffer, allow or permit the emission of visible air contaminants, the shade or appearance of which is as dark or darker than No. 2 on the Ringlemann Smoke Chart of forty percent opacity.

B. It is unlawful for any pollution-control device required by the environmental protection agency, the air pollution control board of the state or the metropolitan health department for the control of air pollution from motor vehicles to be removed or attended in any way to make them partially or completely inoperable.

C. All buses and trucks registered in the metropolitan government area shall be equipped with smoke and odor elimination equipment within twelve months after

which one or more such devices have been approved by the department or by the U. S. Environmental Protection Agency.

D. The board may, by rule or regulation, promulgate, require and enforce programs of inspection and maintenance for vehicles propelled by internal combustion engines; however, such rules or regulations shall only become effective upon the approval by resolution of the council of the metropolitan government of Nashville and Davidson County. The board may, at its discretion, prescribe reasonable fees for inspections and provide for the payment and collection of such fees. (Ord. 95-84 § 5, 1995; prior code § 4-1-8)

10.56.250 Open burning.

No person shall cause, suffer, allow or permit open burning, except as specifically permitted in this chapter:

A. Ceremonial or recreational fires of reasonable size and duration; such fires may not contain material such as plastics, rubber or similar refuse;

B. Fires set for the training and instruction of public or private firefighting personnel when approval is received from the director;

C. Smokeless or safety flares;

D. Fires used for outdoor cooking where done with equipment or fireplace designed for such purposes and in a manner not offensive to persons in the vicinity thereof;

E. Fires used for disposing of materials grown on that tract of land, when done with an approved device, at sites approved by the director, and with a valid permit from the director;

F. Such other open burning as may be approved by the director where there is no other practical, safe and lawful method of disposal;

G. Fires used for disposing of leaves, yard clippings and small tree limbs (less than three inches in diameter) grown on land zoned residential for not more than a single-family or two-family dwelling shall be permitted by the owner of such land without approval of the director of health, provided the property owner has notified the public works department to pick up such material and the public works department has not picked up such material within thirty days after notification. Provided further, that the requirement of notice to the public works department shall not be required of property owners in the general services district. (Prior code § 4-1-5)

10.56.260 Process emissions.

This section applies to any operation, process or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials and except the burning of refuse.

A. No person shall cause, permit, suffer or allow the emission of gas containing sulfur oxides in excess of five hundred ppm (volume). All sampling of exhaust gases to determine compliance with this section shall be performed as provided in Section 10.56.300. For the purposes of this section, all sulfur present in gaseous compounds and containing oxygen shall be deemed to be present as sulfur dioxide. Regardless of the emission standard listed in this subsection, new sources shall utilize the best available control technology as determined by the director.

B. Process weight per hour means the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

C. No person shall cause, suffer, allow or permit the emission of particulate matter in any one hour from any existing process source in excess of the amount shown in Table III of this subsection for the process weight allocated to such source.

Table III

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate Lb/Hr	Rate of Emission Tons/Hr	Lb/Hr
100	0.05	0.551
200	0.10	0.877
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58

Table III

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate Lb/Hr	Rate of Emission Tons/Hr	Lb/Hr
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

Interpolation of the data in Table III for process weight rates up to sixty thousand pounds per hour shall be accomplished by use of the equation: $E = 4.10\ P^{0.67}$ and interpolation and extrapolation of the data for process weight rates in excess of sixty thousand pounds per hour shall be accomplished by use of the equation: $E = 55.0\ P^{0.11}$—40, where E = rate of emission in pounds per hour and P = process weight rate in tons per hour.

D. No person shall cause, suffer, allow or permit the emission of particulate matter from any process source beginning operation on or after the effective date of this chapter in excess of the amount shown in Table IV of this subsection for the process weight allocated to such source.

Table IV

Process Weight Rate Lbs/Hr	Emission Rate Lbs/Hr
50	0.36

Table IV

Process Weight Rate Lbs/Hr	Emission Rate Lbs/Hr
100	0.55
500	1.53
1,000	2.34
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in Table IV for the process weight rates up to sixty thousand pounds per hour shall be accomplished by the use of the equation: $E = 3.59\ P^{0.62}$ $P \leq 30$ tons/hr, and interpretation and extrapolation of the data for process weight rates in excess of sixty thousand pounds per hour shall be accomplished by the use of the equation: $E = 17.31\ P^{0.16}$ $P > 30$ tons/hr, where E = emissions in pounds per hour and P = process weight rate in tons per hour.

E. Irrespective of the maximum allowable emission as determined by either the process weight tables of subsections C and D of this section, the maximum allowable concentration of particulate process emissions shall be 0.25 grams per dry cubic foot of exhaust gases corrected to standard conditions.

F. Regardless of the specific emission standards contained in this section, the metropolitan board of health may, by regulation, specify separate emission standards for all new, modified or existing sources located within or impacting upon a nonattainment area.

G. Subsections A through E shall not apply to any new or modified source, construction or modification which commenced after the date of publication in the Federal Register of Proposed Standards which will be applicable to such source.

H. No person shall construct an air contaminant source which may emit gaseous air contaminants unless he shall install and utilize equipment and technology which is deemed reasonable by the director. (Prior code § 4-1-9)

10.56.270 Visible emissions.

A. No person shall cause, suffer, allow or permit emission of smoke from any air contaminant source, the

shade or appearance of which is as dark or darker than No. 1 of the Ringelmann Smoke Chart.

1. The provisions of this subsection shall not apply to smoke emitted during the cleaning of a fire, the building of a new fire, or the blowing of soot from boiler surfaces. Under these conditions, smoke not darker than No. 3 of the Ringelmann Smoke Chart may be emitted for a period or periods aggregating no more than five minutes in any sixty consecutive minutes or more than twenty minutes in any twenty-four-hour period.

2. The provisions of this subsection shall not apply to smoke resulting from any fire ignited for the purpose of training firemen or for research in fire protection or prevention, nor to uncontrollable emissions occasioned by breakdowns of fuel-burning equipment or other failure which is not reasonably preventable, or by the maintaining and repair of air pollution control equipment.

B. No person shall cause, suffer, allow or permit the discharge into the open air, from any single source of emission whatsoever, of any air contaminant of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A of this section; provided, that this subsection shall not apply to vision opacity caused by uncombined water droplets.

C. This section shall not apply to visible emissions from fuel-burning equipment used exclusively for heating a dwelling of less than three dwelling units.

D. The provisions of this section shall not apply to any steam locomotive or steamboat used for recreational or historical purposes; provided, that such locomotive and steamboat shall operate without any unnecessary or intentional production of smoke. (Prior code § 4-1-2)

10.56.280 Start-ups, shutdowns and malfunctions.

A. Operators of sources must take all reasonable measures to keep emissions to a minimum during start-ups, shutdowns and malfunctions. These may include installation and use of alternate control systems, changes in operating methods or procedures, ceased operation until the process equipment and/or air pollution control equipment is repaired, maintenance of sufficient spare parts, use of overtime labor, use of outside consultants and contractors and other appropriate means. Failures that are caused entirely or in part by poor maintenance, careless operation, or other preventable upset condition or preventable equipment breakdown shall not be considered a malfunction and shall be considered a violation of the applicable emission standards.

B. When any fuel-burning equipment, incinerator, control equipment or process equipment breaks down in such a manner as to cause emissions of an air contaminant in violation of this chapter, the person responsible for such equipment shall immediately notify the director of such failure or breakdown and provide a statement, giving all pertinent information, including the estimated duration of the breakdown.

C. A signed and dated log of all malfunctions, all start-ups and all shutdowns must be maintained by the owner or operator at the source. This log must include at least the following information:

1. Stack or emission point involved;
2. Time malfunction, start-up or breakdown began;
3. Type of malfunction and/or reason for shutdown;
4. Time start-up or shutdown was completed, or time the air contaminant source returned to normal operation.

D. The owner or operator of all sources having a significant impact on air quality in a nonattainment area which reported a breakdown in any calendar quarter must submit a report to the director within thirty days after the end of each calendar quarter listing the times at which malfunctions, start-ups and shutdowns occurred resulting in the discharge of emissions greater than any applicable emission limitation during this time. This report must include the magnitude of the excess emissions expressed in pounds per hour and/or the units of the applicable emission limitation standards and the operating data and calculations used in determining the magnitude of the excess emission during the quarter. (Ord. 96-584 § 4, 1996; prior code § 4-1-13)

10.56.290 Measurement and reporting of emissions.

A. The director may require any person responsible for emission of air pollutants to make or have made at the owner's expense tests to determine the quantity and quality of the emission of air pollutants from any source. The director may specify testing methods to be used. The director may require that such tests be conducted in the presence of his representative. The director shall be given a copy of the test results in writing and signed by the person responsible for the tests. All tests and calculations shall be made under the direction of a professional engineer registered in the state or be a graduate of an accredited engineering school, and be experienced in his field of endeavor.

B. 1. At the completion of any new installation, or any significant alterations, the director may require the owner or person responsible to conduct such tests as are necessary to establish the amount of air pollutants emitted from such equipment or control apparatus. Such tests shall be made at the expense of the owner

and shall be conducted in a manner approved by the director. The director may require that such tests be conducted in the presence of his representative.

2. In all new installations, there shall be provided sampling ports of a size, number and location as the director may require, safe access to each port, any other sampling and testing facilities as the director may require.

3. Any person proposing to conduct a test for the purpose of demonstrating compliance with an applicable emission standard shall notify the director of the intent to test not less than thirty days prior to the proposed test date. The notification shall contain at least the following:

a. A statement outlining the purpose of the proposed test;

b. A description of the source and emission point to be tested;

c. A detailed description of the test protocol; and

d. A timetable setting forth the dates on which the testing will be conducted and a date by which the test results will be submitted to the director.

C. The director may conduct tests of air pollutants from any source. Upon request of the director, the person responsible for the source to be tested shall provide, at no expense to the board, necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, including a suitable power source, exclusive of instruments and sensing devices as may be necessary for proper determination of the level of air pollutants.

D. The owner or operator of any air pollution source permitted in accordance with the provisions of Section 10.56.020 and 10.56.040 must submit to the director, by March 31st of each year, the actual annual emissions of all regulated pollutants emitted by the source during the previous calendar year. This information shall be submitted in writing upon forms furnished by the metropolitan health department. The data must be certified by a company official that the information is accurate to the best of his knowledge.

E. The director, by permit condition, may require periodic or enhanced monitoring, recording, and reporting that he deems necessary for demonstrating compliance with the emission standards of this chapter.

1. Monitoring may include, but is not limited to: source testing; in-stack monitoring; process parameter monitoring of material feed rates; consumption or fuel consumption; chemical analysis of feed stocks, coatings, or solvents; ambient monitoring; visible emissions evaluations; control equipment performance parameters of pressure differentials, power consumption, air or liquid flow rates or amount of air contaminants collected for disposal; air contaminant leak detection tests from process or control equipment; and any other such monitoring that the director may prescribe.

a. The monitoring must be conducted in a manner approved by the director. This includes, but is not limited to: sampling methods, analytical methods, sensor locations and frequency of sampling.

b. The monitoring method must have at least a ninety-five percent operational availability rate to prove compliance directly or indirectly with the applicable requirements unless otherwise stipulated by the director in the permit. Missing data in excess of these levels shall be grounds for enforcement action.

2. Records and reports prescribed by the director shall be recorded, compiled and submitted in a form prescribed by the director. The director shall have the authority to inspect the records during reasonable hours at the place where such records are kept. The source owner or operator must provide copies of the records to the director upon request.

a. In the absence of a specific recordkeeping procedure, it is the responsibility of the owner or operator to keep the records in such a manner that compliance with the applicable requirements can be readily ascertained.

b. Records must be legible, quantifiable and supported by documentation to validate the entries.

3. Reporting shall be in the manner prescribed by the director in the permit or approved by him in the source's operating permit application.

4. All reports submitted to the director must be certified by a company official that the information is accurate to the best of his knowledge. (Ord. 94-1161 § 8, 1994; Ord. 93-790 § 8, 1993; prior code § 4-1-14)

10.56.300 Testing procedures.

A. In order to establish a standard procedure for coal and fuel oil analysis, the following procedures or any subsequent amendment or modification thereof shall be used:

1. The heat content of coal shall be determined according to ASTM method D-271-68 Laboratory Sampling and Analysis of Coal and Coke or ASTM method D-2015-66 Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter.

2. a. The method of determining the ash and sulfur content in coal shall be that described in ASTM D-271-68 Laboratory Sampling and Analysis of Coal and Coke or equivalent method approved by the board. All coal analyses and heat contents are to be made on a dry basis. Moisture content of coal is to be determined in all cases and results recorded to facilitate calculation of actual pollutants.

b. The method of determining the sulfur content of fuel oil shall be that described in ASTM-D-129-54 Standard Method of Test for Sulfur in Petroleum Products and Lubricants by the Bomb Method. The method for determining the heat content of fuel oil shall be that described in ASTM-D-240-64 Standard Method of Test for Heat of Combustion of Liquids by the Parr Bomb Calorimeter or other method giving comparable results.

3. The director is authorized to take any quantity of fuel which he deems necessary for the purpose of evaluation to determine compliance with this regulation. Where applicable, the following sampling methods will be used:

a. For coal: ASTM-D-492-48 (1958) Sampling Coal Classified According to Ash Content, ASTM-D-2013-68 Preparing Coal Sample for Analysis and ASTM-D-2234-68 Mechanical Sampling of Coal.

b. For oil: ASTM-D-270-65 Tentative Method of Sampling Petroleum Products.

B. Source testing conducted for the purpose of demonstrating compliance with emission standards of this chapter shall be by the applicable methods as outlined in Title 40, Code of Federal Regulations, Part 60, Appendix A, "Reference Methods," with the exception that for particulate matter, the analytical result shall include the particulate matter collected in the impinger train. For new stationary sources subject to the Federal New Source Performance Standards, the method for determining concentrations of particulate matter shall be in accordance with the method outlined in Title 40, Code of Federal Regulations, Part 60, Appendix A.

C. The procedure for sampling and analysis for ambient air concentrations shall be by the applicable method as outlined in Title 40, Code of Federal Regulations, Part 50, "National Primary and Secondary Ambient Air Quality Standards," as the same title and part may be amended or recodified. Any other method that is approved by the director may be used in accordance with good professional practice. The procedure for sampling and analyzing atmospheric fluorides shall conform with the method adopted by the American Society for Testing Materials (ASTM) in 1958 and bearing ASTM designation D-1606-58T.

D. When new analytical methods become available which are superior to the methods stipulated in this section, the board, upon the recommendation of the director, may approve the new methods as alternatives to those set forth in this section. (Ord. 94-1161 § 9, 1994; prior code § 4-1-15)

Chapter 10.60

BURGLAR AND FIRE ALARM SYSTEMS

Sections:

10.60.010 Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

"Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

"Alarm systems" means any mechanical or electrical/electronic or radio-controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms, sprinkler-activated alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle, auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service, self-contained smoke detectors, and medical-alert alarms.

"Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the communication center of the metropolitan fire and police departments.

"Commercial premises" means any structure or area which is not defined in this section as residential premises.

"False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel. A maximum of three false burglar alarms, two false robber/panic alarms and two false fire alarms will be granted per alarm device within a fiscal permit year. All subsequent false activations will be considered chargeable violations.

"Fire officer" means the fire chief of the metropolitan Nashville fire department or his designated representatives.

"Law enforcement officer" means the chief of police of the metropolitan Nashville police department or his designated representatives.

"Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof, exclusive of the federal government.

"Residential premises" means any structure or combination of structures which serve as dwelling units including single-family as well as multifamily units. (Ord. BL2004-353 § 1, 2004; Ord. BL2004-258 § 1, 2004; Ord. 93-872 § 1, 1994; Ord. 91-1523 § 2, 1991)

10.60.020 Notification required—Permit fees.

A. Every person who shall own, operate or lease any alarm system, as defined in this chapter, within the metropolitan Nashville and Davidson County, Tennessee area, whether existing or to be installed in the future, shall, prior to use of the alarm system, give notice to the metropolitan clerk on forms to be provided and obtain a permit. The information submitted on the forms shall include:

1. The name of the alarm company;
2. Whether installed in a residential or commercial premises;

3. The name, address, business and/or home telephone number of the owner or lessee of the alarm system;

4. The names, addresses and telephone numbers of at least two persons to be notified in the event of an alarm activation, including the name, address, and telephone number of at least one local person to be responsible for the alarm system.

B. At the time of submission of this notification, the owner, operator or lessee of the alarm system shall submit a fee of ten dollars to the metropolitan clerk's office for obtaining a permit for each alarm device in the system if the system is maintained on residential premises, and twenty-five dollars for each alarm device if the system is maintained on commercial premises. All permit fees are due April 1st annually. Annual renewal fees of ten dollars for residential users and twenty-five dollars for commercial users will apply. (Ord. BL2004-353 § 2, 2004; Ord. 93-872 § 2, 1994; Ord. 91-1523 § 3, 1991)

10.60.030 Exemptions from provisions.

The provisions of this chapter shall not be applicable to residential premises within the city limits of Goodlettsville. (Ord. 93-872 § 3, 1994; Ord. 91-1523 § 11, 1991)

10.60.040 Disposition of fees.

All fees collected pursuant to this chapter shall be paid to the metropolitan government general fund. (Ord. 91-1523 § 10, 1991)

10.60.050 Employee training—Address identification—Automatic alarm shutoff.

A. Each owner, operator or lessee shall be responsible for training employees, servants or agents in the proper operation of an alarm system.

B. Each owner, operator or lessee of an alarm system shall ensure that the correct address identification is visible from the street or roadway on which the premises are located.

C. The current alarm registration sticker provided each permittee shall be displayed so as to be easily visible from the outside front of the building.

D. Any audible alarm shall be equipped with an automatic shutoff to function within twenty minutes of the alarm sounding, excluding fire alarms. (Ord. 93-872 § 4, 1994; Ord. 91-1523 § 4, 1991)

10.60.060 Automatic dialing devices.

A. It shall be a violation of this chapter for any automatic tape dialing device to call on the "911" emergency line. Such devices shall be restricted to dialing the nonemergency police communications phone numbers, and no dialer shall call any fire communications phone number.

B. Any automatic tape dialing device shall:

1. Have a clearly understandable recording;

2. Be capable of repeating itself a minimum of two times;

3. Be capable of automatically resetting itself so as to not continuously call police communications phone numbers.

C. Programmed messages on an automatic tape dialing device must include and are restricted to the following:

1. The owner's/resident's name, and the exact street number and name;

2. A statement that it is a burglar or robber/panic "ALARM ONLY." It shall not say burglary or robbery "in progress";

3. A statement of the hours the business is open if the device is used for both burglar and robber/panic alarms;

4. A statement that a third party has been notified, and the identity of that third party, if a third party is notified by the device. (Ord. 93-872 § 5, 1994; Ord. 91-1523 § 6, 1991)

10.60.070 False alarms—Required reports of corrective action and disconnection.

A. The only alarms the metropolitan police and fire departments will respond to are:

1. Burglary (residential and business);
2. Robbery (business only);
3. Fire (residential and business);
4. Medical (residential and business);
5. Panic (residential only).

B. Responsibility for a false alarm shall be borne by the owner, lessee, operator or user of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

C. A response to an alarm shall result when any fire or police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within five minutes of the original call, it will not be considered a false alarm, unless the responding metropolitan officer has already arrived before the call to cancel has been made. If a metropolitan officer has not arrived on the scene within thirty minutes of the original notification, it will not be a chargeable response.

D. After the allowable false alarms, as set out in the definition for false alarms in Section 10.60.010, each person who owns, operates, leases or controls any premises, commercial or residential, having an alarm system, shall be cited to metropolitan court for any response to a false alarm. No disconnection shall be ordered on any premises required by law to have an alarm system in operation. (Ord. BL2004-353 § 3, 2004; Ord. 91-1523 § 8, 1991)

10.60.080 Revocation of permit—Appeals procedure.

A. Beginning with the sixth false burglary alarm, a fourth false robber/panic alarm or a fourth false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, the metropolitan police department or fire department may file a request for revocation of the permit with the board of appeals. The metropolitan clerk shall notify the permit holder that a request for revocation has been filed with the board of appeals. An appeal of the proposed revocation must be filed in writing and accompanied by an appeals fee of fifty dollars within fifteen days of receipt of the notice by the permit holder, or the permit may be revoked by the board. Upon receipt of a written appeal and appeals fee, a hearing shall be set before the board in accordance with its rules and regulations to determine whether or not the permit shall be revoked or the appeal upheld. The appeals fee shall be refunded only upon a determination by the board that the permit holder has not exceeded the allowable false alarms.

B. Reinstatement of a revoked permit may occur upon filing a written request for reinstatement accompanied by a nonrefundable reinstatement fee of fifty dollars, and after a hearing before the board to determine whether or not to reinstate the permit.

C. A permit which has been revoked may not be renewed until the original permit is reinstated by the board.

D. Pursuant to the administration of this chapter, a board of appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this chapter. The board shall be comprised of seven members, at least one of which shall be an African-American and one of whom shall be a female, provided, however, an African-American female shall not satisfy the requirement of one African-American and one female. Five members shall be appointed by the mayor and approved by the council; and two ex officio nonvoting members, one each from the fire department and from the police department who shall be appointed for a term of one year by the respective chief of the department. The remaining five members shall serve for terms of two years. Of the five members to be appointed by the mayor, one member shall be representative of the alarm industry, one member shall be a residential alarm user, and one member shall be a commercial alarm user.

E. The metropolitan clerk is designated as secretary of the board of appeals and shall serve as custodian of its records. (Ord. BL2004-353 § 4, 2004; Ord. 94-1036 §§ 1 and 2, 1994; § 1 of Amdt. 1 to Ord. 93-872, 12/7/93; Ord. 93-872 § 7, 1994)

10.60.090 Enforcement.

Metropolitan police and fire department officers are specifically authorized to enforce this chapter. Any metropolitan police or fire officer may lawfully issue a citation to an owner, lessee, operator or user of a functional alarm system who has not obtained the permit required by Section 10.60.020, or whose alarm system has given a false alarm in excess of the number allowed under the definition of false alarm in Section 10.60.010. (Ord. 91-1523 § 9, 1991)

10.60.100 Violation and penalty.

Unlawful acts designated—Penalty.

A. It is a violation of this chapter to have a functional alarm system without having obtained a permit as required by Section 10.60.020.

B. Having an alarm activated without a permit shall constitute a violation of this chapter.

C. It is a violation of this chapter to have more false alarms than are allowable within a fiscal permit year as set out in Section 10.60.010, subject to the provisions of Section 10.60.070(c).

D. Any person who owns, operates or leases an alarm system and who shall knowingly and purposefully fail to respond or have his designee respond to his premises within one hour after notification by fire or police personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

E. It is a violation of this chapter for an alarm company or sprinkler company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such case, the permit shall be obtained the next business day.

F. It is a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the fire or police department is notified to cancel the call within

five minutes of the original call, it will not be considered a false alarm, unless the responding metropolitan officer arrives on the scene before the original call is canceled. If a metropolitan officer has not arrived on the scene within thirty minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

G. Any noncompliance with the requirements of this chapter shall constitute a violation, and each incidence of noncompliance shall constitute a separate violation, punishable as provided in Metropolitan Code Section 1.01.030; provided, however, that fines for false alarms shall not exceed twenty-five dollars for each false alarm.

H. There shall be a fee of twelve dollars whenever a citation involving an alarm permit violation listed in subsection B of this section is nullified by the nullification office of the metropolitan traffic violation bureau or is dismissed by the general session court upon the correction of the violation. This fee may be waived by the general sessions judges after a determination of indigency. (Ord. BL2004-353 § 5, 2004; Ord. BL2004-258 § 2, 2004; Ord. BL2000-395 § 1, 2000; Ord. 95-1329 § 2 (part), 1995; § 2 to Amdt. 1 of Ord. 93-872, 12/7/93; Ord. 93-872 § 8, 1994; Ord. 92-470 § 1, 1992; Ord. 91-1523 § 5, 1991)

Chapter 10.64

FIRE PREVENTION CODE

Sections:

Article I. Code Adoption

10.64.010 Fire Prevention Code adopted.

The metropolitan government adopts the 2000 Fire Prevention Code of the National Fire Protection Association (Fire Prevention Code), which references the 2000 Edition of the printed volumes of the National Fire Code, as amended in this chapter, to be applicable throughout the metropolitan government. A copy of such fire prevention code is attached to the ordinance codified in this section and made a part hereof, the same as if copied verbatim herein. (Ord. BL2002-1142 § 8, 2002: Ord. 98-1445 § 6, 1998)

10.64.012 Amendments to the 2000 NFPA Fire Prevention Code.

The following amendments, deletions, or additions to the 2000 Fire Prevention Code are adopted by reference, as fully as though copied into such fire code, and thereby made a part of the Metropolitan Fire Prevention Code.

A. Section 1-4 of the 2000 Edition of the NFPA 1, Fire Prevention Code, which is part of the National Fire Codes, is hereby amended by adding the following new Section 1.4.17:

1.4.17 The provisions of this code do not apply to one and two family dwellings in the normal use or maintenance thereof.

Exception No. 1: This code shall apply whenever the activity or use of such dwelling creates a fire hazard to life or property.

Exception No. 2: Where provisions of annexed codes specifically apply to one or two-family dwelling.

B. Section 1-7 of the 2000 Fire Prevention Code is hereby amended by deleting Section 1-7 and substituting the following:

The Board of Appeals created and empowered to act on all appeals under this Metropolitan Fire Prevention Code shall be the Metropolitan Board of Fire and Building Code Appeals (Board) as established and provided for in the Metropolitan Code of Laws, Chapter 2.80 and Section 16.08.010. The Board shall hear all appeals for variances in or interpretations of this Metropolitan Fire Prevention Code by the Fire Marshal of the Metropolitan Government. When acting under this Metropolitan Fire Prevention Code, the Board shall transmit its decisions to the Fire Marshal.

C. Section 1-16.16(13) of the 2000 Fire Prevention Code is hereby amended by deleting Section 1-16.16(13) and substituting the following:

(13) Explosives. Manufacture, sell, dispose, purchase, storage, use, possess, or transport of explosives within the jurisdiction. A separate permit, valid for the duration of the project but not to exceed one year, shall be required to conduct blasting operations.

D. Section 1-16.16 of the 2000 Fire Prevention Code is hereby amended by adding a item (37) to Section 1-16.16 as follows:

(37) Large indoor assembly exceeding 4,000 persons. Exception: Facilities whose only use is for worship.

E. Section 1-16.17 of the 2000 Fire Prevention Code is hereby amended by deleting Section 1-16.17 and substituting the following:

Permit fees shall be established by the authority having jurisdiction.

F. Section 3-1 of the 2000 Edition of the NFPA 1, Fire Prevention Code, which is part of the National Fire Codes, is hereby amended by adding the following new Section 3-1.3.1:

3-1.3.1 No person shall knowingly maintain a fire hazard.

G. Section 7-3.2.21.2.2 The 2000 Edition of NFPA 1, which is a part of the National Fire Code, is hereby amended by deleting subsection 7-3.2.21.2.2 and substituting the following:

7-3.2.21.2.2 The entire building shall be required to be protected by an approved, automatic sprinkler system by January 3, 2007.

H. Section 7-7.3 of the 2000 Edition of NFPA 1, which is a part of the National Fire Code, is hereby amended by adding the following new subsection 7-7.3.2.3.

7-7.3.2.3 A State of Tennessee licensed Fire Alarm contractor shall complete an inspection of any fire alarm system annually. A copy of this report stating the findings (compliance and violations) shall be provided to the authority having jurisdiction within 10 working days of the inspection. Repairs as a result of this inspection that will take more than 24 hours to complete shall be reported to the authority having jurisdiction immediately.

I. Section 16-10.1 of the 2000 Edition of NFPA 1, The Fire Prevention Code which is a part of the National Fire Code is hereby amended by deleting subsection 16-10.1 and substituting the following:

16-10.1 Application. Where permitted, the storage and wholesale, of consumer fireworks (DOT Classified) shall be in accordance with this section to ensure public safety. All storage of display fireworks shall comply with NFPA 1124, Code for the Manufacture, transportation, and storage of Fireworks and Pyrotechnic Articles.

J. Section 28-2.8.9 of the 2000 Edition of NFPA 1, the Fire Prevention Code which is a part of the National Fire Code is hereby amended by deleting subsection 28-2.8.9 and substituting the following:

28-2.8.9 Signs. Warning signs shall be conspicuously posted in the dispensing area incorporating the following or the equivalent wording:
(1) WARNING - It is unlawful and dangerous to dispense gasoline into unapproved containers.
(2) No Smoking
(3) Stop Motor
The words WARNING, No Smoking and Stop Motor shall be at least four inches in height with a stroke width of one inch. They shall be in a contrasting color that is acceptable to the Authority Having Jurisdiction. (Ord. BL2002-1142 § 9, 2002)

10.64.015 Amendments to the 2000 NFPA 101 Life Safety Code.

The following amendments, deletions, or additions to the 2000 NFPA Life Safety Code are adopted by reference, as fully as though copied into such Fire Code, and thereby made a part of the Metropolitan Fire Prevention Code.

A. Section 3-3 of the 2000 Edition of the NFPA 101, Life Safety Code, which is apart of the National Fire Code, is hereby amended by adding the following definition at the end of Section 3-3:

3-3.214 Bed and breakfast homestay. A private home, inn or other unique residential facility located in a structure of historical significance as defined in Ten-

nessee Code Annotated Section 68-14-503(3), offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property, or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

B. Section 3-3.196 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting subsection 3-3.196 and substituting the following:

3.3.196 STREET FLOOR. A story or floor level accessible from the street or from the outside of a building at ground level, with the floor level at the main entrance located not more than three risers above or below ground level and arranged and utilized to qualify as the main floor or level of exit discharge.

C. Section 7.1.3.2.1(b) Exception No. 3 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting Exception No. 3.

D. Section 8.2.1(1) of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting subsection 8.2.1(1) and substituting the following:

8.2.1(1) Separate buildings if a 4-hour or greater vertically-aligned fire wall in accordance with NFPA 221, Standard for Fire Walls and Fire Barrier Walls, exists between the portions of the building.

Exception: The requirement of 8.2.1(1) shall not apply to previously approved separations between buildings.

E. Section 9.7.2 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by adding the following new subsection 9.7.2.1.1:

9.7.2.1.1 Fire Pumps used in fire protection shall have the following signals transmitted to an approved Central Station Alarm Monitoring Service or an approved Proprietary Service:

Electric Fire Pumps Diesel Fire Pumps
1. Fire Pump Run 1. Fire Pump Run
2. Phase Reversal 2. Low Batteries
3. Power Failure 3. Failure to Start
4. Main Water Flow 4. Main Water Flow

F. Section 11.8 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by adding the following new subsection 11.8.6:

11.8.6 Operating Features. A written Emergency Evacuation Plan approved by the Authority Having Jurisdiction shall be provided in the Fire Control Room. In existing buildings that do not have a fire control room the plan shall be accessible at the buildings Fire Alarm annunciator panel.

G. Section 15.3.1 Exceptions (a), (b) and (c) of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting all Exceptions including (a), (b) and (c) in their entirety.

H. Section 16.2.2.1 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting subsection 16.2.2.1 and substituting the following:

16.2.2.1 Components of means of egress shall be limited to the types described in 16.2.2.2 through 16.2.2.7.

I. Section 17.2.2.1 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting subsection 17.2.2.1 and substituting the following:

17.2.2.1 Components of means of egress shall be limited to the types described in 17.2.2.2 through 17.2.2.7.

J. Section 28.2.2.1.2 of the 2000 Edition of the NFPA 101 Life Safety Code, which is a part of the National Fire Code, is hereby amended by deleting subsection in its entirety.

K. Section 29.2.2.1.2 of the 2000 Edition of the NFPA 101 Life Safety Code, which is part of the National Fire Code is hereby amended by deleting the subsection in it's entirety. (Ord. BL2002-1142 § 10, 2002)

10.64.017 Amendments to miscellaneous NFPA codes and standards (Sprinkler, Stationary pumps and Fire Walls etc.)

The following amendments, deletions, or additions to the NFPA codes are adopted by reference, as fully as though copied into such Fire Code, and thereby made a part of the Metropolitan Fire Prevention Code.

A. Section 7-2.3.2.4 of the 1999 Edition of the NFPA 13 Standard for the Installations of Sprinkler Systems which is a part of the National Fire Code, is hereby amended by deleting subsection 7-2.3.2.4 in its entirety.

B. Section 7-2.3.3 of the 1999 Edition of the NFPA 13 Standard for the Installations of Sprinkler Systems which is a part of the National Fire Code adopted by reference herein, is amended by deleting subsection 7-2.3.3 in its entirety.

C. Section 5-13.14 of the 1999 Edition of the NFPA 13 Standard for the Installations of Sprinkler Systems which is a part of the National Fire Code adopted by reference herein, is amended by deleting section 5-13.14 in its entirety.

D. Section 10-1 of the 1999 Edition of the NFPA 13 Standard for the Installations of Sprinkler Systems which is a part of the National Fire Code, is hereby amended by deleting Section 10-1 and substituting the following:

10-1 Approval of Sprinkler Systems and Private Fire Service Mains. The installing contractor shall be a licensed State of Tennessee Sprinkler Contractor and shall do the following:
(1) Notify the authority having jurisdiction and owner's representative of the time and date testing will be performed
(2) Perform all required acceptance tests (see Section 10-2)
(3) Complete and sign the appropriate contractor's material and test certificate(s) [see Figures 10-1(a) and 10-1(b)]
(4) Shall be responsible for the installation of Fire Protection Sprinkler Systems from the point of underground connection to the approved water supply, beginning were the line becomes solely a fire protection line.

E. Section 2-7.1.1 Exception No. 2 of the 1999 Edition of NFPA 20 Standard for the Installation of Stationary Pumps for Fire Protection which is a part of the National Fire Code, is hereby amended by deleting section 2-7.1.1 Exception No. 2 in its entirety.

F. Section 6-1 of the 2000 Edition of NFPA 221 Standard for Fire Walls and Fire Barriers which is a part of the National Fire Code is hereby amended by deleting Section 6-1 and substituting the following:

6.1 Pipes, Raceways, and Cables. Pipes, raceways, and cable trays (regardless of size) penetrating fire walls having a required 3-hour fire resistance rating shall be positioned to pass through the wall no more than 3 ft (1.0 m) above the finished floor level. A steel sleeve of a size to allow an approximate 1-in. (25-mm) clearance between the sleeve and the pipe or raceway shall be provided for each pipe or raceway. The space between the sleeve and penetrating item (annular space) shall be filled as required in Section 4.2. Joint reinforcement shall be provided in the horizontal mortar joints immediately above and below sleeves in concrete masonry walls, and all hollow spaces of concrete masonry walls immediately adjacent to the sleeve shall be filled with concrete, mortar, or grout. (Ord. BL2002-1142 § 11, 2002: Ord. 98-1445 §§ 7—21, 1998)

Article II. No-Smoking Regulations

10.64.020 Prohibited smoking areas—Exceptions.

No person shall smoke or carry a lighted cigar, cigarette, pipe or match, or use any spark-producing, flame-producing or fire-producing device not specifically authorized for use in such place by the fire marshal in any of the following places:

A. Exception for Approved Areas. The prohibition shall not apply to smoking in restrooms, restaurants, executive offices or beauty parlors in retail stores when specifically approved by the fire marshal by written order to the person having control of the premises upon a finding that such use therein is not dangerous to life or property.

B. Elevators. Elevators, regardless of capacity, in any public place.

C. Public Theaters. During a performance in public theaters, motion picture houses or other auditoriums used for such purposes:

1. Exception for Approved Areas. The prohibition of this subsection shall not apply to smoking rooms and areas and restrooms when specifically approved by the fire marshal by written order to the person having control

of the premises upon a finding that such use therein is not dangerous to life or property.

2. Exception for Performers. The prohibition of this subsection shall not be construed to prohibit smoking by performers upon the stage as part of any theatrical production.

D. Projection Booths. Any projection booth, enclosure or other room in a public place in which any motion pictures machine is operated.

E. Public Conveyances. Buses or other public conveyances, except taxicabs.

F. Dance Floors. Dance floor of any cabaret, restaurant, nightclub or other public place offering facilities for dining and dancing. (Prior code § 17-1-1.2(a))

10.64.030 No-smoking signs—Authorized when.

The fire marshal shall have the authority to order "No Smoking" signs erected in any place of public assemblage where, in his opinion, smoking, or the carrying of a lighted cigar, cigarette, pipe or match, or any use of any spark-producing, flame-producing or fire-producing device not specifically authorized for use in such place would constitute a menace to life or property. (Prior code § 17-1-1.2(b))

10.64.040 No-smoking signs—Display required when.

Every person, or his agent, having control of premises upon which smoking or the carrying of lighted objects is prohibited by or under the authority of this article shall conspicuously display upon the premises a sign reading "No Smoking." (Prior code § 17-1-1.2(c))

Chapter 10.68
FIREWORKS

Sections:

10.68.010 Fireworks defined—Labeling required.

A. The term "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, and other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" does not include model rockets and model rocket engines designed, sold and used for the purpose of propelling recoverable aero models and does not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times.

B. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. (Prior code § 17-1-31)

10.68.020 Use restrictions—Permits granted when.

Except as hereinafter provided, no person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, or use or explode any fireworks in Davidson County; provided, that the fire marshal of the metropolitan government of Nashville and Davidson County may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals. Such permits may be granted upon application to the fire marshal and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the fire marshal and shall be of such composition and character, and so located, discharged or fired as in the opinion of the fire marshal shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display is lawful for that purpose only.

No permit granted hereunder shall be transferable. (Prior code § 17-1-32)

10.68.030 Bond required.

The fire marshal shall require a bond from the licensee in a sum not less than one thousand dollars conditioned on compliance with the provisions of this chapter and the regulations of the fire marshal adopted herein, provided no municipality shall be required to file such bond. (Prior code § 17-1-33)

10.68.040 Financial responsibility required.

Before any permit for a pyrotechnic display shall be issued, the person, firm, partnership or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, partnership, corporation or any agent or employee thereof, in such amount, character and form as the fire marshal determines to be necessary for the protection of the public. (Prior code § 17-1-34)

10.68.050 Appointment of attorney required for out-of-county residents.

No permit shall be issued under the provisions of this chapter to a person, firm, partnership or corporation not a resident of Davidson County for conduct of a pyrotechnic display until such person, firm or corporation shall have appointed in writing an attorney licensed to practice law in the state of Tennessee and residing therein to be his attorney upon whom all process in any civil action or proceeding against him may be served. (Prior code § 17-1-35)

10.68.060 Sales regulations.

Nothing in this chapter shall be construed to prohibit any resident, wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks, provided the same are to be shipped directly out of the area of the metropolitan government of Nashville and Davidson County in accordance with the regulations of the U. S. Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail and water or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for theater, or for military organizations, or the use of fireworks for agricultural purposes under conditions approved by the fire marshal. (Prior code § 17-1-36)

10.68.070 Seizure authorized when.

The fire marshal shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. The fire marshal shall store and maintain seized fireworks and dispose of them as ordered by a court of competent jurisdiction. Seized fireworks shall in no event be returned to the person from whom seized until all appellate remedies are exhausted. The confiscation and forfeiture of fireworks being an action "in rem," the metropolitan government of Nashville and Davidson County shall have the right to appeal an order restoring the seized fireworks to the person from whom seized. (Prior code § 17-1-37)

10.68.080 Conflict of provisions.

This chapter shall take effect and repeal contrary provisions of the National Fire Protection Association Code, Sections 1-7.2 and 1-2.4.2. Any provision of any ordinance of the metropolitan government of Nashville and Davidson County inconsistent with any provision of this chapter is repealed. (Prior code § 17-1-39)

10.68.090 Violation and penalty.

Any person, firm, partnership or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars. (Prior code § 17-1-38)

Chapter 10.70
REMOVAL OF DEAD ANIMALS

Sections:

10.70.010 Removal from public right-of-way.

Upon receiving notice of a dead animal being located within the public right-of-way, the department shall as expeditiously as possible, remove said animal for disposal in accordance with the provisions of Section 10.70.030. (Ord. BL2000-500 § 1, 2000)

10.70.020 Removal from private property.

A. Upon receiving notice of a dead animal being located on private property, the department shall attempt to locate the owner of record of such private property. If the owner can be contacted, then the dead animal will be removed as expeditiously as possible by the department for disposal in accordance with the provisions of Section

10.70.030, provided that the authorization and release attached hereto is executed by the owner or his authorized representative.

B. If the owner refuses to execute said authorization and release, then it shall be the responsibility of the owner to remove the dead animal within forty-eight hours of notification from the department to do so; and to cause the animal's remains to be disposed of in an appropriate manner, all at the property owner's expense.

C. If the property owner has not been located and contacted within two business days of the metropolitan government's receipt of notice of the presence of the animal, the department of public works is authorized, subject to the written certification of the director of health pursuant to Section 2.36.020, to enter upon the property upon which the animal is located for the purpose of removing the animal for disposal in accordance with the provisions of Section 10.70.030 hereof. In the absence of such written certification, removal of the dead animal shall be the responsibility of the owner of the property pursuant to subsection B of this section.

D. The failure of a property owner, upon receipt of notice from the department to comply with the provisions of this ordinance either by promptly executing the authorization and release attached hereto, or, in the alternative, complying with the provisions of subsection B of this section, shall be punishable by a penalty not to exceed five hundred dollars, with each day of noncompliance constituting a separate violation. (Ord. BL2000-500 § 2, 2000)

10.70.030 Delivery to board of health.

Dead animals removed by the department of public works pursuant to this ordinance shall be delivered by the department to the board of health's animal control facility for incineration or disposal by other appropriate means. Disposal shall be the responsibility of the board of health. (Ord. BL2000-500 § 3, 2000)

10.70.040 Joint authority.

The director of public works and the director of health acting jointly shall have authority, subject to the approval of the mayor, to implement this chapter by appropriate regulations. (Ord. BL2000-500 § 4, 2000)

Division II. Urban Services District

Chapter 10.72
HOSPITALS AND PHYSICIANS

Sections:

10.72.010 Police report required when.

Every physician, surgeon or doctor who shall render medical or surgical service or be called upon to render service or who attends or treats a case of bullet wound, gunshot wound, powder burn or any other injury arising from or caused by the discharge of a gun, pistol or other firearm or stab or cut, wound or any other traumatic injury inflicted by any other dangerous instrumentality, or, whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case at once to the chief of detectives at police headquarters, giving the name, address, description and any other information with regard to such person and occurrence. (Prior code § 21-2-2)

Chapter 10.76
NURSING, CONVALESCENT AND OLD AGE HOMES

Sections:

10.76.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Ambulatory person" means a person who, unaided, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

"Approved" means accepted by the enforcing official as a result of his investigation and experience, or by reason of test, listing or approval by Underwriters' Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities.

"Automatic fire detection system" means a system which automatically detects a fire condition and actuates a fire alarm signal device.

"Nursing, convalescent or old age home" means a building used for the lodging, boarding or nursing care on a twenty-four hour basis of four or more infants or children, convalescents, or aged persons, but such term does not include hospitals and mental or correctional institutions. (Prior code § 28-2-1)

10.76.020 Permit required.

No nursing, convalescent or old age home shall be operated except under a permit from the fire marshal. This permit shall be in addition to all other licenses and permits required by law. Such permit shall be issued for one year from the date of issue and shall be revocable for cause. Application for a permit shall be made on a form provided for that purpose and, where deemed necessary, shall include plans showing details of the construction, exit facilities and fire protection equipment. No permit shall be issued until the provisions of this chapter have been complied with and approval therefor has been obtained from both the bureau of fire prevention and the director of the department of codes administration. (Prior code § 28-2-2)

10.76.030 Occupancy limitations and use.

A. The number of persons in any room or area used as sleeping quarters in a nursing, convalescent or old age home shall not exceed the proportion of one adult for each seventy square feet, one child for each fifty square feet or one infant for each twenty-five square feet.

B. No occupancy not under the control of, or necessary to, the administration of a nursing, convalescent or old age home shall be contained in any building used as sleeping quarters for such occupancy.

C. In buildings not of fire-resistive (fireproof or semifireproof) construction, the first floor only may be occupied by nonambulatory persons; except, that the first two floors may be so occupied when the building is protected by an approved automatic sprinkler system. This subsection shall not apply to presently existing nursing, convalescent and old age homes.

D. In buildings not of fire-resistive (fireproof or semifireproof) construction hereafter converted to use as a nursing, convalescent or old age home, persons under care shall not be housed above the second story, unless the building is protected by an approved automatic sprinkler system.

E. The basement shall be considered as a story if one-half or more of its height is above the average elevation of the ground adjoining the building on all sides. An unoccupied attic or roof space shall not be considered as a story. (Prior code § 28-2-3)

10.76.040 Attendants.

A. Every nursing, convalescent or old age home shall have at least one attendant on duty, awake and dressed therein at all times, and in addition, one standby attendant within hearing distance and available for emergency service. These attendants shall be at least eighteen years of age and physically capable of performing the required duties of evacuation. No person other than the management or a person under management direction and control shall be considered an attendant.

B. One attendant and one standby attendant, as defined in subsection A of this section, shall be provided for every twenty-five persons, or fraction thereof, when the building is:

1. Of fire-resistive (fireproof or semifireproof) construction; and is

2. Located within the area served by the fire department to which an alarm can be sent by telephone or other suitable alarm transmission device.

C. Where only one of the safety measures listed in subsection (B)(1) or (B)(2) of this section is provided, one attendant and two standby attendants shall be provided for the first twenty persons or fraction thereof; for the next additional ten persons or fraction thereof, there shall be provided another standby attendant; for each additional ten persons or fraction thereof, there shall be provided one additional attendant and an additional standby attendant. (Prior code § 28-2-5)

10.76.050 Evacuation plan.

Every nursing, convalescent or old age home shall formulate a plan for the protection of all persons in the event of fire and for their evacuation to areas of safe refuge and from the building when necessary. Such evacuation plan shall be submitted to and approved by the fire marshal. All employees shall be constantly instructed and kept informed respecting their duties under the plan. (Prior code § 28-2-7)

10.76.060 Doorways.

A. Doorways serving as exits or parts of exits in nursing, convalescent or old age homes shall be at least thirty inches wide.

B. All doorways to stairways, vertical openings, passageways or hazardous areas, which are required to be enclosed, shall be provided with fire doors or self-enclosing smoke-resistive doors. (Prior code § 28-2-15)

10.76.070 Corridors and passageways.

A. Corridors and passageways to be used as a means of exit or part of a means of exit in nursing, convalescent or old age homes shall have a minimum width of thirty-six inches.

B. Corridors and passageways to be used as a means of exit or part of a means of exit shall not lead through any room or space used for any purpose that may obstruct free passage. Corridors and passageways which lead to the outside from any required stairway shall be enclosed as required for stairways. (Prior code § 28-2-14)

10.76.080 Stairways and vertical openings.

A. Stairs and ramps serving as required exits shall not be less than thirty-six inches wide in existing nursing, convalescent and old age homes and not less than forty inches wide in existing buildings hereafter converted to such use.

B. At least one required exit from each floor above or below the first floor shall lead directly, or through an enclosed corridor, to the outside. A second or third required exit, where a more direct exit is impractical, may lead to a first floor lobby having direct and ample exits to the outside.

C. In buildings hereafter converted to use as a nursing, convalescent or old age home, all floor openings, such as interior stairways, laundry chutes and dumbwaiter shafts, extending to cellar or basement and between occupied floors shall be enclosed in partitions having a fire-resistance rating of not less than one-half hour or may be wired glass in metal framework.

D. In existing buildings used for nursing, convalescent or old age homes, all floor openings shall be enclosed as required in subsection C of this section; except, that stairway enclosures may be either at the head or foot of each stairway from one floor to another. (Prior code § 28-2-13)

10.76.090 Exit facilities.

A. At least two exits, remote from each other, shall be provided for every occupied story of a building used as a nursing, convalescent or old age home.

B. Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed fifty feet in an unsprinklered building nor seventy-five feet in a sprinklered building, except where buildings are constructed and protected to comply with all the requirements applicable to new buildings used for institutional occupancy.

C. The aggregate width of exit stairs and ramps shall be such as to provide sufficient twenty-two-inch exit units, at the rate of fifteen persons per exit unit, for the maximum number of persons that may occupy any floor, except where buildings are constructed and protected to comply with all requirements applicable to new buildings used for institutional occupancy.

D. Each occupied room shall have at least one doorway opening directly to the outside, or to a corridor leading directly or by a stairway or ramp to the outside, or to an adjacent room which has such access to the outside. (Prior code § 28-2-12)

10.76.100 Exit and directional signs.

A. Signs bearing the word "exit" in plain, legible, black letters shall be placed at each exit opening in nursing, convalescent and old age homes, except at doors leading directly from rooms to exit corridors or passageways and except at doors obviously leading to the outside from the entrance floor.

B. Additional signs, similar to those set out in subsection A of this section, shall be placed in corridors and passageways wherever necessary to indicate the direction of exit.

C. Letters of signs shall be at least six inches high; except, that the letters on internally illuminated exit signs may be a minimum of four and one-half inches high.

D. All exit and all directional signs shall be kept at all times clearly illuminated and legible by electric lights or by some other acceptable and approved means when natural light fails for any reason. (Prior code § 28-2-17)

10.76.110 Smoke barriers.

A. In buildings of other than fire-resistive (fireproof or semifireproof) construction, used as nursing, convalescent or old age homes, all floors above the first floor occupied by persons under care and exceeding three thousand square feet in area shall be divided into separate areas by smoke barriers so located as to provide ample space on each side for the total number of beds on the floor. Doors provided in such smoke barriers shall be smoke-resistive doors, as described in subsection B of this section, so installed that they may normally be kept

in open position, but will close automatically or may be released manually to self-closing action.

B. Smoke barriers shall have a fire-resistance rating of not less than one-half hour. Metal covered or one and three-eighths inch thick solid core flush-type wood doors, so hung as to be reasonably smoke-tight, may be accepted as smoke-resistive doors. Openings in either smoke barriers or smoke-resistive doors shall be glazed with wired glass. (Prior code § 28-2-16)

10.76.120 Wall and ceiling surfaces—Combustible materials.

A. Wall and ceiling surfaces of all occupied rooms and of all exitways in nursing, convalescent and old age homes, including the parts of halls, corridors and passageways used as exitways therefrom, shall be of such material or so treated as not to have a flame spread classification of more than one hundred seventy-five feet, according to the method for the "Fire Hazard Classification of Building Materials" of the Underwriter Laboratories, Inc.

B. All combustible decorative and acoustical material, including textile floor coverings and curtains located in corridors, passageways or stairway enclosures and in lobbies or other rooms or spaces for use by occupants or visitors, shall be rendered and maintained flame-resistant. A material shall be deemed to be flame-resistant if it will not ignite and allow flame to spread over the surface when exposed to a match flame test applied to a piece removed from the material and tested in a safe place. The piece shall be held vertically and the bottom edge exposed to a flame from a common household match held in a horizontal position, one-half inch underneath the piece and at a constant location for a period of fifteen seconds. (Prior code § 28-2-18)

10.76.130 Heating, lighting and other service equipment.

A. The heating of buildings occupied as nursing, convalescent or old age homes shall be restricted to steam, hot water or warm air systems employing central heating plants with installation in the accepted and approved manner of safeguarding against the inherent fire hazard. The use of portable heaters of any kind or type is prohibited.

B. Installation of heating and ventilation systems and equipment in accordance with the Standards of the National Board of Fire Underwriters for the Installation of Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems shall be deemed and considered as prima facie evidence of compliance with the requirement that installation of heating systems be such as to safeguard against the inherent fire hazard.

C. Lighting shall be restricted to electricity, installed and maintained in compliance with Chapters 6.20, 6.40 and 16.20. (Prior code § 28-2-19)

10.76.140 Smoking.

Smoking may be permitted in nursing, convalescent or old age homes only where and in the event proper facilities are provided. Smoking shall not be permitted in sleeping quarters, except at those times when direct supervision is provided. (Prior code § 28-2-8)

10.76.150 Hazardous areas and storage of combustible materials.

A. Heating apparatus and boiler or furnace rooms, basements or attics in nursing, convalescent or old age homes, used for the storage of combustible material, workrooms such as carpenter shops, paint shops and upholstery shops, central storerooms such as furniture, mattress and miscellaneous storage, and similar occupancies intended to contain combustible materials which will either be easily ignited, burn with an intense flame or result in the production of dense smoke and fumes, shall be classified as hazardous areas.

B. Hazardous areas, as listed in subsection A of this section, shall be separated from other areas by construction having a fire-resistance rating of at least one hour; except, that hazardous areas, other than boiler or furnace rooms, may be protected by an approved automatic fire-detection or automatic sprinkler system in lieu of such construction.

C. The use of attics or basements for the storage of unnecessary combustible materials is prohibited. (Prior code § 28-2-11)

10.76.160 Firestopping.

Exterior walls of frame construction and interior stud partitions shall be firestopped so as to cut off all concealed draft openings both horizontal and vertical between any cellar or basement and the first floor. Such firestopping may consist of suitable noncombustible material or of wood at least two inches thick. (Prior code § 28-2-10)

10.76.170 Fire alarm systems.

A. A manually operated fire alarm system shall be provided in every nursing, convalescent or old age home, except:

1. Where the entire building is protected by an automatic sprinkler system equipped with a waterflow alarm; or

2. Where the entire building is protected by an automatic fire-detection system.

B. Fire alarm systems shall be of some approved type. At least one fire alarm sending station shall be provided on each story, located at a readily accessible point in the natural path of escape from fire. The system shall be so arranged that the operation of any sending station will sound an alarm which is distinctly audible throughout the entire building, or where advisable because of the type of occupancy, the system may be so arranged that the initial alarm signal will sound only at some central point where twenty-four-hour service and watch is maintained. This system may be either manually operated or automatically operated.

C. Automatic fire-detection systems shall be approved supervised systems. Where fixed temperature devices are used, they shall be constructed to operate at one hundred sixty-five degrees Fahrenheit or less; except, that in spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a thermostatic device shall cause an alarm which is clearly audible throughout the entire building, or where advisable because of the type of occupancy, the system may be so arranged that the initial alarm signal will sound only at some central point where a twenty-four-hour service and watch is maintained. (Prior code § 28-2-6)

10.76.180 Fire extinguishers.

Approved-type fire extinguishers shall be provided on each floor of nursing, convalescent and old age homes in such manner and so located that a person will not have to travel more than seventy-five feet from any point to reach the nearest extinguisher. An additional extinguisher shall be provided in, or adjacent to, each kitchen or basement storage room. (Prior code § 28-2-20)

10.76.190 Automatic sprinkler systems.

A. Buildings used for nursing, convalescent or old age homes which are not of fire-resistive (fireproof or semifireproof) construction and which exceed three stories in height shall be protected throughout by an approved automatic sprinkler system.

B. Such sprinkler system shall be provided with an approved waterflow alarm. (Prior code § 28-2-4)

10.76.200 Inspections.

Every building used as a nursing, convalescent or old age home shall be periodically inspected by the fire marshal and director of the department of codes administration in order to ensure proper compliance with the provisions of this chapter. (Prior code § 28-2-9)

Chapter 10.80
FIRE PROTECTION AND FIREFIGHTING EQUIPMENT

Sections:

10.80.010 Additional functions and services to include fire protection.

The additional functions of the metropolitan government to be performed, and the additional governmental services to be rendered within the urban services district, shall include additional fire protection. (Prior code § 16-2-2)

10.80.020 Damaging or removing firefighting equipment prohibited.

No person shall wilfully or carelessly break, injure, destroy or carry away any fire engine or any of the apparatus or implements belonging thereto, or commonly used by a fire company in preventing or extinguishing fires, or in saving property at the time of fire. Every person aiding or abetting in such offense shall be guilty of a like offense. (Prior code § 16-2-1)

Division III. Neighborhood Revitalization

Chapter 10.86
VACANT PROPERTY REVIEW COMMISSION

Sections:

10.86.010 Findings and purpose.

The metropolitan council does declare that there exists in the area of the Metropolitan Government of Nashville and Davidson County blighted and deteriorated properties and that there is need within metropolitan government for the exercise of powers, functions and duties conferred by Tennessee Code Annotated 13-21-201 et seq. that deal with neighborhood revitalization. (Ord.

BL2000-498 §1 (part), 2001: Ord. 97-780 § 1 (part), 1997)

10.86.020 Definitions.

All definition or terms, whenever used or referred to in this chapter shall have the meanings as defined in TCA 13-21-202 unless a different meaning clearly appears from the context. (Ord. 97-780 § 1 (part), 1997)

10.86.030 Vacant property review commission.

The board of commissioners of the metropolitan development and housing agency (MDHA) shall serve as the vacant property review commission and shall certify properties as blighted or deteriorated to the metropolitan council. (Ord. 97-780 § 1 (part), 1997)

10.86.040 Duties.

A. The vacant property review commission may certify to the metropolitan council properties as blighted or deteriorated after the commission has determined that:

1. The owner of the property or designated agent has been sent an order by the metropolitan codes department to eliminate the conditions that are in violation of metropolitan codes or ordinances;
2. The property is vacant;
3. The property is blighted or deteriorated;
4. The vacant property review commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and
5. The metropolitan planning commission has determined that the reuse of the property for residential, commercial, industrial and related use is in keeping with the comprehensive plan.

B. The findings required by subsection A of this section shall be in writing and included in the report to the metropolitan council.

C. The vacant property review commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the municipality under this part. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety days of the receipt of such notice.

D. An extension of the ninety-day time period may be granted by the vacant property review commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice. (Ord. BL2000-498 § 1 (part), 2001)

10.86.050 Eminent domain—Required findings.

The metropolitan council may, by resolution, institute eminent domain proceedings pursuant to Tennessee Code Annotated, Title 29, Chapters 16 and 17, or authorize MDHA to institute eminent domain proceedings pursuant to Tennessee Code Annotated, Title 29, Chapters 16 and 17, against any property which has been certified as blighted or deteriorated by vacant property review commission if it finds that:

A. Such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;

B. Such property is likely to continue to deteriorate unless corrected;

C. The continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

D. The owner of such property has failed to correct the deterioration of the property. (Ord. BL2000-498 § 1 (part), 2001)

10.86.060 Municipal officers and employees—Limited financial interests—Nondisclosure is misconduct.

No officer or employee of the metropolitan government, or of the vacant property review commission, who in the course of such officer's or employee's duties is required to participate in the determination of property blight or deterioration or of the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any personal interest in any property declared to be blighted or deteriorated. If any such officer or employees owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, the officer or employee shall immediately disclose, in writing, such interest to the vacant property review commission and to the metropolitan council, and such disclosure shall be entered in the minutes of the commission and of the metropolitan council. No payment shall be made to any officer or employee for any property or interest therein acquired by the MDHA

or the metropolitan government unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body. (Ord. 97-780 § 1 (part), 1997)